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MARY STUART

AND

THE CASKET LETTERS.

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MARY STUART
AND
THE CASKET LETTERS.

By J. F. N.

TT. c 6

With Introductory Note

By HENRY GLASSFORD BELL.

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"Non te offendat auctoritas scribentis, utrum parvæ vel magnæ
literaturæ fuerit, sed amor puræ veritatis te trahat ad legendum.
Non quæras quis hoc dixerit, sed quid dicatur attende."

THOMAS A KEMPIS.

EDINBURGH:
EDMONSTON AND DOUGLAS.

1870.

ERRATA.

P. 43, line 4 of note, *for ann read am.*

P. 72, note 1, *for Goodall iii. 29, read Goodall ii. 1-29.*

INTRODUCTORY NOTE.

THE unhappy story of Mary Queen of Scots possesses an interest for all time, attributable partly to the strange vicissitudes and startling incidents of her life, and still more perhaps to the ever recurring desire to solve the problem in the law of evidence which attaches to her career. The web of circumstances in which she was entangled, and in which she was either a passive or an active agent, readily enabled her enemies to suggest doubts injurious to her character, and these being mixed up with religious and political animosities, which never ran higher than in the days of Knox and Murray, the nation came ere long to be divided into two classes—her detractors and her partisans.

The same diversity of opinion has come down through a period of 300 years. According to the side which is taken, she is represented as

either one of the worst or one of the best of women; either as one who gave herself up to gross vices and bloody crimes, or as one who was sinned against without sinning—a pious, pure, and high-minded Princess.

Much longer ago than it is pleasant to remember, the writer of this Note was applied to by the then eminent firm of Archibald Constable & Co., of Edinburgh, to furnish them with a Life of Mary. The request was acceded to on the condition, which was at once acquiesced in, that he was to be left unfettered in the view he might think it right to give of Mary's character, which, it was explained, he had not then studied, and consequently had no predilections either on one side or the other. Some months were afterwards spent in laborious researches both in Edinburgh and at the British Museum; and the conviction which ultimately forced itself upon him, that the Queen was innocent of the heavy crimes laid to her charge, was conscientiously recorded in her Biography. He has read most that has been published on the same topic since, and has not seen any cause to change his original belief. If

more students would take the trouble of studying the evidence for themselves, instead of reading it through the spectacles of excited controversialists, there would be a wider diffusion of a similar belief.

Unfortunately for Mary, one of the ablest, and, at the same time, most dishonest writers of her age, was the hired servant of the rebel Lords. George Buchanan received their pay and did their bidding. His so-called "Detection" is a piece of laboured calumny throughout, which, if it attracts by its malicious cleverness, repels by the foulness of its venom. In his better days he had written sundry odes in exuberant praise of the Queen's charms and virtues, but as soon as he found that he could carry coarser wares to a more lucrative market, under the patronage of such men as Morton and Lethington and Murray, he changed his tune and miserably sacrificed his honour. They, on their part, not having the same powers of literary composition, had need of Buchanan to bolster up their evil practices before the world; and it is sad to think how readily and from what ignominious motives he became their tool.

The "Detection" is the foundation and keystone of all the attacks upon Mary which have subsequently filled so many volumes. It would appear that to some minds there is a strange and unenviable pleasure in the unhesitating assertion that the last of the Scottish queens was the most wicked of her sex. But the virulence in which they indulge is, in many instances, so scantily supported by facts, and so palpably excessive, that it overshoots the mark, and by arousing a sense of injustice creates a revulsion of opinion in Mary's favour.

Others have written conscientiously according to their lights, some to blame and some to praise; and it is not to be denied that if there has been *assertio falsi* and *suppressio veri* on the part of her accusers, there have also been exaggerations on the part of her defenders. But one thing is certain both in law and equity, that every one is to be presumed innocent until proved guilty. The *onus* therefore of making good the averment that Mary, who was only twenty-five years of age at the death of Darnley, was at that age both an adulteress and a murderer, lies on those who make

the charge. The nobles by whom she was dethroned, and who were called upon to justify their conduct before Europe, evidently felt that all the facts and incidents which had transpired about her could not be twisted into a body of circumstantial evidence sufficient to convict her. Nay, when looked at it with unjaundiced eye, the ascertained facts were more in her favour than against her. It requires no small amount of malignity to extract out of the tenderness which prompted a young wife and mother to visit and nurse her sick husband at Glasgow, a deep design against his life, and to find confirmation of that design in her travelling with him, when convalescent, across the country, and taking care to have him lodged in an airier and healthier situation than the low-lying palace of Holyrood. It is surely monstrous to hear it insinuated as proof of her complicity that she kissed him before leaving him on the night of the murder; or that she refused at Craigmillar to agree to a proposed divorce only that she might have the satisfaction of killing him.

Then, as to her love for Bothwell, when and

how was it shown? He was a married man, a good deal older than herself, without either prepossessing manners or appearance. He had seriously offended her on several occasions, and most notably when at the time of the Earl of Arran's conspiracy she committed him to prison. True, she consented to a reconciliation; and once, when he lay dangerously ill in the Castle of Hermitage, to which he had been sent as her lieutenant of the Borders, she paid him the compliment of riding some miles through a moorland district, with a suitable retinue, to inquire after his health. There are writers who, with Buchanan, are not ashamed to refer to this casual incident as evidence that she had fallen from her honour as a Queen, a mother, and a wife! Then there is a fresh triumph for such writers in the discovery which they made to the utter distortion of history, that in little more than two months after Darnley's death she fled with Bothwell to Dunbar. The actual truth is that she had gone to Stirling to see her child, and on her way back to Edinburgh, with a small escort, Bothwell, at the head of a thousand horsemen, suddenly set upon her, and, by a lawless raid,

carried her off to a stronghold, where he kept her in durance, and absolutely at his mercy. A woe-ful marriage followed, to which, when broken in spirit by the outrage she had endured, she was urgently constrained by the bond signed by all her leading nobility, after Bothwell had been tried by his peers, and solemnly acquitted of any participation in Darnley's murder.

But mark what followed. Four weeks of mental agony, according to the testimony of trusty witnesses who were with her, succeeded this marriage which she abhorred; and on the same day of the following month (the 15th June 1567) Bothwell took her with his followers to meet, in hostile array, the Lords assembled at Carberry Hill. These Lords protested that they had no fault to find with her, and would receive her as their Queen, if she would dissociate herself from Bothwell. Did she indignantly reject the proposal? Did she cling to the man whom she is said to have loved so insanely; for whom she had waded so deep in guilt, and with whom her honeymoon had hardly yet expired? No; she at once accepted the offer; she scarcely took time to go through the

ceremony of bidding Bothwell farewell ; she rode instantly over to his enemies ; and she never saw him again, or, for aught that is known, expressed a wish to see him again. He lived for many years the wandering life of an outlaw and a fugitive, but, tempted as he was, he never wrote or uttered a syllable tending to implicate Mary in the crimes that were afterwards imputed to her.

The pretended circumstantial evidence then altogether breaks down. No jury that ever was impanelled would have convicted on it. Murray, her bastard brother, knew this well, and knew also that he would require to lay some more pregnant proofs before Queen Elizabeth's Commissioners if he had any hopes of retaining a Regency, which had come to him only in default of the rightful sovereign. It was then that the idea of the Casket Letters dawned upon the mind of himself and his accomplices. If it could be made to appear, by documents under Mary's own hand, that a guilty passion had long subsisted between her and Bothwell ; that she suggested to him the murder of Darnley to remove an obstruction to the indulgence of that passion ; that she aided him in

the perpetration of the deed ; that she concerted with him the flight to Dunbar, and the ill-omened and unhallowed marriage which followed upon it, then all doubts were at an end, and the Queen of Scots was worthy both of dethronement and death.

Such documents *were* produced ; and they are now the turning-point of the whole inquiry. Without the letters, the evidence against Mary is ridiculously abortive ; with the letters, if they are genuine, it is complete and conclusive. No wonder, therefore, that they have formed the subject of elaborate disquisitions ; and that writers like Whitaker and Goodall have devoted volumes to a searching investigation of them. The laborious minuteness, however, and lengthened details of these commentators, lead to a prolixity that is often repugnant to ordinary readers. The exposure of falsehood does not in general need very ponderous efforts. A touch of Ithuriel's spear discovers it.

It has been the object of the author of the little Treatise which follows these brief introductory remarks, to bring before us in a condensed and

distinct shape the argument which is fatal to the authenticity of the Letters. This object has been well accomplished, and the reader will find himself amply repaid for the trouble of perusal. Whilst the style is clear and incisive, the tone is temperate and fair. A condensed and lucid view is given of all the main features of the question; and the interest attaching to the investigation is sustained throughout.

It may be satisfactory to mention that the manuscript was submitted to one whose judgment could not fail to carry weight, namely, Mr. John Hosack, author of the recent able work, which is already in a second edition, entitled, *Mary Queen of Scots and her Accusers*, and that he writes to a friend of the author as follows:—
“I have read the MS., which you were so kind as to give me, on the subject of the Casket Letters of Queen Mary, as it has become the fashion to call them, and I think the writer has employed very clearly and forcibly all the best arguments against their authenticity; and further, that the effect is greatly strengthened by the temperate tone preserved throughout. I hope, in the interests of

Queen Mary, the treatise will be published. The more the Casket Letters are discussed the better, for they will not bear examination."

Whatever opinion may be formed of the essay, it can at all events be safely affirmed that the author had no desire but to arrive at the truth without giving offence to any one, feeling very certain that the more the truth is brought to light the less belief will be entertained in the dark imputations which throw a deeper shadow over the chequered life and tragic death of Scotland's Queen.

H. G. B.

MARY STUART

AND THE CASKET LETTERS.

THE question of Mary Stuart's guilt or innocence must be decided mainly according to the acceptance or rejection of the celebrated Casket Letters. These Letters constituted the defence of the Lords who took up arms against her and placed her in confinement; they formed the groundwork of the charges preferred against her at York and Westminster. Should they be found genuine *in toto*, it is proved incontestably "that she was in the foreknowledge, counsel, and device of the horrible murder of the King;" and it is proved also "that the Earl of Bothwell seized her person with her own consent, and by a stratagem of her own contrivance." But if they should be shown to be forgeries, either wholly, or "in some principal and substantial

clauses," then these two main charges against her fall to the ground, and she can be held answerable only for errors of judgment, in the blame of which her advisers must share.

The authenticity of these Letters has now to be considered, first, with reference to their history; and, second, with reference to the nature of their contents.

PART I.

THE HISTORY OF THE LETTERS.

Darnley was murdered on the 10th February 1567. A proclamation was issued on the 12th, offering a reward and an annuity to any one who should give any information concerning the murder. Placards appeared on the door of the Tolbooth, charging the Earl of Bothwell and others with the said murder. These placards were anonymous. Lennox, Darnley's father, demanded justice, and urged the Queen to commit to prison all the persons named in the placards. The Queen replied that the placards were numerous

and contradictory, and begged him to specify the names which he considered most suspicious. He named Bothwell, Balfour, and several others. The Queen laid his letters before her counsellors, and a day was appointed for Bothwell's trial. Lennox was of opinion that the day named was too early, and requested delay; but he had shortly before entreated the Queen to expedite matters, and his request for delay was not granted.

Bothwell's trial took place on the 12th April. It was collusive—of which more hereafter,—and he was acquitted. Parliament met on the 14th April. No notice was taken of Darnley's murder, save that Bothwell's acquittal was approved; but Moray, Morton, Lethington, Bothwell, and others, had their grants of the Crown lands confirmed.¹

After the rising of Parliament, the influential members were entertained by Bothwell in a tavern, and at this entertainment they agreed in a body to sign a deed requesting Mary to honour Both-

¹ Acta Parl. Scot. ii. 545-91. Darnley had been the chief hindrance to the ratification of these grants. He had remarked of the Earl of Moray's possessions, that they were "too much for a subject." The time during which it was possible for Mary to revoke these grants was drawing to a close.

well with her hand, as a proper step to be taken for the public good. They protested their belief in his innocence, and declared that "in case his former affectionate and hearty service may move her Majesty so far to humble herself, they would not only further, advance, and set forward the said marriage, but would esteem the hinderers, adversaries, or disturbers thereof as their common enemies, and notwithstanding the same, would take part and fortify the said Earl to the said marriage, so far as it may please our Sovereign lady to allow." They would do this as they should answer to God, and they desired, that in case they should do the contrary, they should have no reputation or credit in time hereafter, but should be accounted unworthy and faithless traitors.¹

On the 21st April Mary went to Stirling to visit her child. Bothwell, attended by a thousand horse, intercepted her on her return; dismissed her attendants, who were told by one of his followers that all was done with her own consent, and carried her to his castle of Dunbar, where he

¹ Goodall, i. 364-6; Keith, ii. 562-5; Stuart, i. 244; Stephen, i. 189; Burton, iv. 375.

detained her for eleven or twelve days. He was armed with the bond signed by the nobles urging her to the marriage, and he is accused of having left her no alternative. He succeeded ultimately in gaining her promise to take him for her husband.¹

Proceedings were instituted by Bothwell to obtain a divorce from his wife, Lady Jane Gordon, to whom he had been married little more than a year, and on the 12th May Bothwell conveyed the Queen to Edinburgh, where she made a declaration before the Court of Session that she forgave him and all others his complices all hatred conceived by her for taking and imprisoning her; and also that she was now at liberty.² Two days later Morton and the others who had given their bond to Bothwell for the marriage, obtained from the Queen a promise written below

¹ It is asserted by Buchanan, who has been followed by other writers, that Mary's nobles sent her a message offering to come to her assistance, and that she refused their offer. But this statement is inconsistent with evidence afforded by the bond signed by the nobles, and no such statement appears to have been at any time made by Moray and his party. Had such an offer been made to Mary, she would scarcely have ventured on the following statement in her public instructions to her ambassador in Paris: "We saw no hope to be ridd of him, never man in Scotland ance making a mint to procure our deliverance." Keith, ii. 598, ed. 1845.

² Keith, ii. 579, 580; Anderson, i. 87.

their bond "that she nor her successors shall never impute as crime or offence to any of the persons subscribers thereof, their consent and subscription to the matter above written therein contained."¹

On the 15th May the marriage between Mary Stuart and Bothwell was solemnized according to the Protestant form, "not with the Mass, but with preaching, neither pleasure nor pastime at it."² The unhappiness of the Queen immediately after the marriage is noticed by several writers. Du Croc reports that on the very day of her marriage she told him that he must not be surprised if he saw her sorrowful, for she could not be happy, nor ever should again; she desired only to die. He adds,—“Yesterday, when closeted alone with Bothwell, she was heard to cry as loud as she could for a knife to kill herself. Those who were in the front room heard her. They thought that if God did not aid her she would be driven to desperation.”³ Melville mentions the same incident;⁴ and Drury writes to

¹ Printed in Labanoff, ii. 22.

² *Diurnal of Occurrents*.

³ Labanoff, vii. 111.

⁴ P. 81, ed. 1683.

Cecil,—“The opinion of divers is that the Queen is the most changed woman in face that in so little time, without extremity of sickness, they have seen.”¹

A few days after this forced and fatal step had been taken, a confederacy was formed by the nobles against her, with the professed object of dissolving her marriage with Bothwell, and of avenging the murder of Darnley. “They who had combined with Bothwell in the conspiracy for the King’s murder, and had signed the bond recommending him as a suitable husband for their Queen, were now the loudest in their execration of the deed and their denunciation of the marriage.”² Among the leaders of this confederacy were the Earls of Morton, Argyle, Athol, and Mar; Lord Lindsay, Lord Hume, Kirkcaldy of Grange, and Maitland of Lethington.

¹ Mr. Burton notices these statements, and does not controvert them, yet he affirms that “the beginning of their married life resembled that of any innocent young couple affluent in the sources of magnificence and luxury.” And again, that “some time passed over before anything occurred to break the surface of the tranquil happiness which the new-married couple appeared to enjoy.”—Burton, iv. 393, 398. Does Mr. Burton mean to imply that such scenes usually form part of the tranquil happiness of new-married couples?

² P. F. Tytler, vii. 104.

On the 28th May a proclamation was issued in the Queen's name, summoning the nobles with their feudal forces to march into Liddesdale for an attack upon the Border marauders. The order was neglected ; no army could be assembled. The confederate nobles were gathering their forces and arranging their plans against the Queen.

The Castle of Edinburgh was commanded by Sir James Balfour. He had been deeply implicated in Darnley's murder, and, as clerk of the Privy Council, had some secret papers regarding it in his keeping. He owed his appointment to Bothwell, but the confederates employed Sir James Melville to gain him to their side, and he agreed, for a consideration, to deliver the castle into Morton's hands.¹ Bothwell obtained notice of this, and withdrew with the Queen to Borthwick Castle. The confederates suddenly surrounded the place. "Some of the party, approaching the walls, used divers unseemly and undutiful speeches against the Queen, with language too coarse to be repeated."² Bothwell and

¹ Melville, p. 81, ed. 1683 ; Keith, ii. 618, 619, ed. 1845.

² Drury to Cecil, 12th June 1567, Border Correspondence.

Mary escaped to Dunbar.¹ Tidings were brought them that the confederate lords had entered Edinburgh, encountering scarce any resistance. Letters-royal were issued to raise the country in Mary's defence, and on the 14th June Mary and Bothwell left Dunbar and advanced towards the confederates.

The contending armies met at Carberry Hill on Sunday the 15th June. It soon became evident that an engagement would end in defeat on the Queen's side, and a parley ensued. Du Croc, the French ambassador, made some fruitless attempts at mediation, and returned to Edinburgh. Mary agreed to surrender herself into the hands of the confederate lords, who promised to receive

¹ It has been adduced as proof that Mary's seizure by Bothwell was collusive, that she did not at once throw herself into the hands of the confederates. But such a step would have been highly imprudent. The confederate lords had no claim on her trust. The principal leaders were guilty of Darnley's murder—a fact which, strangely, seems to be considered of no moment by some historians,—they had confederated in the bond recommending her marriage, and they were now “taking advantage of the infamy it produced to raise the standard of revolt against her, and to effect her dethronement.”—Keith, ii. 585. Their feelings towards her had been indicated at Borthwick Castle, and their treatment of her, after she did place herself in their hands, may well preclude regret that she did not take the step sooner.

and obey her as their Sovereign if she would quit Bothwell.

Bothwell "took farewell, and rode off the field," none of the confederates offering the least opposition, though their avowed object in taking up arms had been to bring him to justice. "They who absolved Bothwell of that crime, and gave consent to this marriage, took up arms as if they would have seized on his person; but in effect, underhand they privily admonished him speedily to withdraw himselfe, for feare lest, being taken, he might have revealed the whole complot; and that from his flight they might draw argument and subject whereof to accuse the Queen for the murder of the King."¹

Mary was now in the power of Morton,—who was afterwards beheaded for Darnley's murder, but who was now in arms to avenge the deed. All writers are agreed as to the ignominy and barbarity with which she was treated whilst she was being conveyed to Edinburgh, where she was shut up for the night in the Provost's house and strictly guarded. In the morning she was re-

¹ Camden's Annals, p. 148.

moved to Holyrood. A hurried consultation was held by the nobles, and it was resolved that she should be confined for life in Lochleven Castle.¹

Kirkcaldy of Grange remonstrated against this as a breach of faith, but his reproaches were silenced by his being shown a letter, said to have been written to Bothwell by the Queen whilst imprisoned in the Provost's house, assuring him of her love and of her determination never to desert him.² The same night Mary was conveyed to Lochleven under the charge of Lindsay and Ruthven.

The period of the alleged discovery of the Casket Letters has now been reached, though they did

¹ Keith, ii. 641.

² Melville, p. 84. Hume and the younger Tytler, though both unfavourable to Mary, agree in giving up the authenticity of this letter. It was not mentioned by the confederate lords to Throckmorton, when Elizabeth interfered in the affairs of Scotland on Mary's imprisonment (Keith, ii. 677-683), a time at which these statesmen were desirous to throw out every imputation to her prejudice, and were specially desirous to prove that she was inordinately attached to Bothwell, from whom she had just voluntarily separated for ever after being compulsorily wedded to him for a month. Nor was the letter made use of by Moray before the English Commissioners. It is obviously improbable that Mary, deprived as she was of every comfort, and of even a single female attendant, should have had access to writing materials, or that the strict guard set over her should have permitted her thus to elude their vigilance. The letter, however, answered its purpose in inducing Kirkcaldy of Grange to withdraw his opposition. It was probably their success on this occasion which led the confederate lords afterwards to attempt a more extensive forgery.

not find a place in history till some months later. According to Moray's Journal, the date of this remarkable discovery was the 20th June. The statement of the confederate lords concerning it was, that Bothwell had left behind him in the Castle of Edinburgh a silver casket which had belonged to Francis II., Mary's first husband, and which contained papers of value; that Bothwell was anxious to recover these papers, and sent a servant, named George Dalglish, to Sir James Balfour for them; that on Dalglish's way back to Dunbar he was intercepted by Morton, who found the casket on him. The papers found in the casket constituted the proof of Mary's guilt, and the justification of the nobles for the course they had taken.

The first reason against the acceptance of these Letters as genuine is the date of their discovery. This discovery was of later date than the events of which, avowedly, the Letters constituted the sole justification.

It was distinctly affirmed by the nobles that these Letters were the cause of their taking up arms against the Queen, and that it was from

them that they derived their knowledge of her guilt. In the Act of Moray's Secret Council of the 4th December it is stated—"That the cause and occasion of the privy conventions of the Earls, Lords, Noblemen, Barons, and others, and consequently their taking up arms, and coming to the field with displayed banners, and the cause and occasion of the taking of the Queen's person on the 15th day of June last bypast, and holding and detaining of the same within the house and place of Lochleven . . . was in the said Queen's own default, in as far as by divers her Previe letters written and subscrivit with her own hand, and sent by her to James Erle Bothwell, chief executor of the said horrible murder . . . and by her ungodly and dishonourable proceeding in a private marriage with him, suddenly and unprovisitly thereafter, it is most certain that she was previe art and part of the actual devise and deed of the fore-mentioned murder of the King."¹

This Act was subscribed by Moray, Morton,

¹ Act of Secret Council, 4th December 1567, printed in Goodall, ii. 62-5.

Ruthven, Lindsay, Balfour, and many others. The Act of Parliament of the 15th December is of similar tenor.¹

According to their own showing, the Letters were not discovered till the 20th June, yet they were in arms against the Queen prior to the 6th June, and had actually taken the Queen's person on the 15th June, and imprisoned her in Lochleven on the 16th June. Thus the Letters are alleged to have been the cause of their actions previous to the time at which they first saw them.

The second reason against accepting the Letters as genuine is the length of time during which they were ignored, and during which statements were made contradictory of their tenor as afterwards produced.

The very day after the alleged discovery of the Letters, a Council was held, at which Morton, their discoverer, was present. The confederates now for the first time assumed the title of "Lords of Secret Council," and openly took the government into their own hands.² Yet no mention is made of the Letters. -

¹ Acta Parl. Scot. fol. iii. pp. 3, 4.

² Keith, ii. 652.

On the 26th June, a proclamation was issued denouncing Bothwell for the murder of the King and the seizure of the Queen.¹ Not only is there no mention made of the Letters, but ignorance of their contents is betrayed. It is proposed to punish Bothwell for the seizure of the Queen. It is distinctly affirmed that her marriage with him was forced, and that she was under bondage. According to the Letters, all was done with her own consent.

On the 2d July, the city of Edinburgh was invited to sign a Writing of Association with the Lords of the Secret Council, obliging the subscribers to see "our said Sovereign releivit of the *thraldome, bondage, ignominie, and shame*, which she has sustenit and underlies through the said Earl's occasion"—words wholly at variance with the tenor of the Letters.²

On the 7th July an Act of Council was passed, depriving the Queen of her hereditary revenue, by prohibiting all payments to the Queen's Comp-

¹ Act and Proclamation for apprehending of the Earl of Bothwell, from the Records of Privy Council ap. Edinb. 26 Junij an. Dom. 1567.

² Act of Edinburgh, Keith, ii. 661-3 ; also iii. 312, 313, appendix.

troller.¹ Still no mention is made of the Letters.

In all the consultations of the confederate lords, from the 20th June to the 4th December, there is not, in any public paper, the least allusion to the box and Letters, though there were the strongest reasons for at once publishing any such discovery. In the confidential letters of Drury to Cecil, written at this period from day to day, and embracing the most minute information of everything which passed, no allusion is made to any such discovery. In Melville's communications with Moray, no intimation is given of any such discovery, nor is any mention of the Letters to be found in his Memoirs, though he was the confidant and agent of the confederate lords, and was sent by them to meet Moray at Berwick, and give him a confidential report of their proceedings.²

An ambassador arrived from France on the 23d June to inquire into the imprisonment of the Queen.³ No mention was made to him of the casket or Letters.

¹ Keith, ii. 665.

² Chalmers, i. 238. See Melville's Memoirs. ³ Keith, ii. 665.

Throckmorton was sent by Elizabeth on a similar errand. He arrived in Scotland early in July. The lords refused to permit him to see the Queen, and were earnest in impressing on him the belief that her love of Bothwell was ardent and incurable. They were most anxious to vindicate themselves to him, and tendered him an elaborate defence of their proceedings. Yet this defence, which is dated the 11th July, contains no allusion to the casket or Letters, and does contain the following passages:—"How shamefully the Queen our sovereign was led captive; and by fear, force, and, as by many conjectures may be well suspected, other extraordinary and more unlawful means, compelled to marry another wife's husband. . . . In what bounds could his immoderate ambition have been concluded, who, not content with his own estate, had in three months found such hap in an unhappy enterprise, that by the murder of the babe's father he had purchased a pretended marriage with the mother, seized her person in his hands, environed with a continual guard of 200 harquebuziers, as well day as night, wherever she went . . . and by

these means brought the nobility to that miserable point that if any man had to do with the Prince, it behoved him, before he could come to her presence, to go through the ranks of harquebuziers, under the mercy of a notorious tyrant, as it were to pass the pikes. . . . What rested to finish the work begun, but to send the son after the father; and as might be suspected, seeing him keep another wife in store, to make the Queen also to drink of the same cup, to the end he might invest himself with the crown of the realm. . . . It behoved us assuredly to have recommended the soul of our Prince, and of the most part of ourselves, and as we may firmly believe, the soul also of our sovereign the Queen, who should not have lived with him half a year to an end.”¹

In a deed issued on the 21st July, it is again distinctly asserted that Bothwell took the Queen captive to Dunbar, and, keeping her in bondage, compelled her to marry him :—

“After the horrible and unworthy murder of umquhile the King, our sovereign’s late husband,

¹ The answer of the Lords of Scotland to Sir Nicholas Throckmorton, ambassador there, 11th July 1567, printed in Keith, ii. 677-683; Stuart, i. 417-419.

committed under silence of night within his own lodging by James Earl of Bothwell, his complices and partakers, the said Earl continuing in his mischievous wickedness, after he had treasonably revesit her Majesty's most noble person, and led her captive to Dunbar, constrained her, being in his bondage, to contract sic an ungodly and pretended marriage with him, as neither God's law nor man's law could permit."¹

It is plain that if the lords had on the 20th June become possessed of letters proving the Queen to be art and part in the murder with a view to the marriage, proving that "the Earl of Bothwell seized her person with her own consent, and by a stratagem of her own contrivance," they would not, on the 11th July and on the 21st July, have distinctly asserted that she had been led captive, that she had been compelled to marry, and that she was in danger of her life. Their own declaration must be borne in mind, that they could find no other way or moyen to vindicate themselves, and to prove the Queen's

¹ Records of Privy Council, Edinburgh, 21st July 1567; Anderson, i. 142, 143.

guilt, than by grounding all they had done, or should do, upon the Letters.¹ Hence it appears, on their own showing, that up to this date they had no vindication at all.

Some plausible defence of their treatment of the Queen would, however, ultimately become indispensable, and the first intimation of the scheme devised for such defence is given in a despatch to Elizabeth from Throckmorton, dated 25th July:—

“I do perceive, if these men cannot by fair means induce the Queen to their purpose, they mean to charge her . . . with the murder of her husband, whereof (they say) they have as apparent proof against her as may be, as well by the testimony of her own handwriting, which they have recovered, as by sufficient witnesses.”²

The scheme appears here merely in embryo, and was heard of no more for some months. In fact, the Letters had no place in history till the General Assembly had presented the following petition to the Regent and Lords of Parliament:—

“This present Assembly, considering the detention of the Queen’s Grace in the house of Loch-

¹ Act of Secret Council : Goodall, ii. 63, 64. ² Goodall, ii. 62.

leven, no manifest declaration made of the occasion thereof, wherefore they as a member of the commonweal of this realm, not only for themselves, but also in name of the common people thereof, most humbly desires the Lord Regent and Estates of Parliament to open and make manifest to them and to the people the cause of the detention of the Queen's Grace in the said house, or else to put her to liberty furth of the same."¹

A Privy Council was assembled by the Earl of Moray on the 4th December, and the confederate lords proceeded to make an investigation into their own actions, and to consider what answer should be returned to such inconvenient inquiries.

"It was proponit unto them that the Parliament now approaches, wherein the cause of the apprehension and retaining of the Queen must be debated, reasoned, and tried, and it found and declared whether the nobles and others who took arms . . . has done the duty of noblemen and good subjects, and no wise offended nor trans-

¹ Acta Parl. Scot. fol. iii. 38. If Mary Stuart's guilt had been the universal belief of the period, as has been asserted by some historians, this inquiry into the cause of her detention would scarcely have been made.

gressed the laws in that fact or anything depending thereon . . . and how and by what mean a full and perfect security may be obtained and made for all of them, that either by deed, counsel, or subscription, has entered in that cause since the beginning. The matter being largelie and with great deliberation reasoned at great length, and upon sundry days, at last all the said Lords, Barons, and others above expremitt, can find no other way or moeyen how to find or make the said security, but by opening and revealing of the truth and grund of the whole matter . . . that by divers her previa letters, written *and subscribed with her own hand*, and sent by her to James Earl Bothwell, chief executor of the said horrible murder, as well before the committing thereof, as thereafter, and by her ungodly and dishonourable proceeding in a private marriage with him suddenly and unprovisitly thereafter, it is most certain that she was privy art and part, and of the actual devise and deed of the fore-mentioned murder of the King.”¹

¹ Act of Secret Council, 4th December 1567, printed in Goodall, ii. 62-65.

This brings us to a further reason against accepting the Letters as genuine, namely, the discrepancy observable between the description given of the Letters in the above Act of Council and the description given of them in the Act of Parliament immediately following it.

In the Act of Council, 4th December, the Letters are described as “written *and subscribed* with her own hand.” In the Act of Parliament, 15th December, the statement that they were subscribed by the Queen is withdrawn, and they are described merely as “written wholly with her own hand.” The Letters, as afterwards exhibited, were without subscription.

This notorious discrepancy has been ascribed by those who believe in Mary's guilt to a blunder of the clerk. But by such a mode of argument any Act of Council might be invalidated on the strength of mere conjecture. And this explanation requires us to assume, not merely that this blunder was made by the clerk, but that not one of the members of Council bestowed sufficient attention on the Letters to enable him to discover the blunder: and we are called upon to believe

that letters were *not* signed which were declared to *be* signed in an Act authenticated by the Regent and twenty-eight Privy Councillors.¹ Dr. Johnson makes the following comment on this discrepancy :—"The difference between 'written and subscribed' and 'wholly written' gives just reason to suspect first a *forgery* and then a *variation of the forgery*. It is indeed very remarkable that the first account asserts more than the second, though the second contains all the truth; for the Letters, whether written by the Queen or not, were not subscribed by her. And had the second account differed from the first only by something added, the first might have contained truth, though not all the truth; but as the second corrects the first by diminution, the first cannot be free from fraud."²

It is also noteworthy that no schedule of the contents of the casket was recited either in the Minute of Council or the Act of Parliament. No mention was then made of contracts of marriage nor of sonnets, nor yet of the casket itself.³ The

¹ See Tytler's Enquiry, i. 87-93.

² Gentleman's Magazine, 1760.

³ See Acta Parl. Scot. fol. iii. 1-44.

Letters were the only vouchers of the Queen's guilt appealed to on either occasion. The injustice of accepting vouchers of guilt as genuine before they had been examined by the accused, either in person or by counsel, is too obvious to require comment.¹

It is a curious fact that, though the confederate lords appealed to the Letters as genuine documents on the 4th December and on the 15th December, yet they again made statements contradictory of their contents on the 20th December. According to the Letters, the Queen's seizure by Bothwell was by a stratagem of her own contrivance. By the Act passed on the 20th

¹ In the Parliament of 15th December, some of Mary's friends were present, and it has been urged as proof that the Letters were genuine, that they did not at that time declare them to be forged. But it appears that they had sufficient reason for withholding the bold expression of their opinions. In a document signed by the great convention of nobles and prelates at Dumbarton, September 1568, it is stated, with reference to Mary's alleged demission of the crown, that "they bore with all, most principally for the safety of her Grace's life, which before their coming to Parliament was concluded and subscribed to be taken from her in most cruel manner, as is notourly known."—Goodall, ii. 360. Against some of the proceedings of the confederates on this occasion Mary's friends did protest, and it is made matter of complaint that "they (the confederates) have caused insert otherwise in their pretended acts, and will suffer in no ways their clerks to give forth the said protestations."

December she is completely vindicated from this charge. In this Act Bothwell is accused of "besetting her with a thousand armed men, equipped in manner of war, in the month of April last, she suspecting no evil from any of her subjects, and least of all from the Earl of Bothwell, towards whom she had shown as great offices of liberality and benevolence as prince could show to good subject; he by force and violence treasonably seized her most noble person, put violent hands upon her, not suffering her to enter her own town of Edinburgh in peace, but carried her away that same night to the Castle of Dunbar *against her will*, and there detained her as his prisoner for about twelve days, and by force and fear . . . compelled her to promise to become his wife."¹

Another argument against the authenticity of the Casket Letters is, the improbability of the story told concerning their discovery.

It is an established maxim, founded on common sense as well as equity, "that if any man, by the discovery of a writing or deed, pretends to strip

¹ Process and doom of forfeiture against James, sometime Earl of Bothwell.—Acta Parl. Scot. fol. iii. p. 8.

another of his property, the pretender must not only prove the authenticity, but likewise give some reasonable account how such writing fell into his hands. Morton's discovery was made the means of stripping the Queen of her kingdom, yet the unreasonableness of his account of it is sufficiently apparent. Balfour had betrayed Bothwell's trust and gone over to his enemies. "Is it to be thought," it was naturally asked at the time, "that either the Earl would send to the said Sir James, who had before assisted the faction against the Queen with the force and strength of Edinburgh Castle, and driven from thence the very Earl himself; or that the said Sir James would send any such thing to the Earl? Is it likely? Is it credible? Hath the forger and inventor of this tale by seemly *conueiance* parted and divided the distinction of his times?"¹

The incredibility of the statement appears to have been felt after a time by the confederates themselves, for, in Buchanan's *later* account of the matter, he represents Balfour as giving up the Letters to Dalgleish, and then sending notice to

¹ Defence of Q. Mary's Honour, pp. 9, 10. Liège edition, 1571.

Morton to intercept them. But setting aside the fact that no mention was made of such notice in the original account of the capture, this amendment diminishes the improbability but very little. Balfour might indeed be willing that such papers should fall into the hands of the confederate lords, but before delivering them up he would have taken good care to make his own terms concerning them. He was a man who set a high price upon his treason, and who showed considerable aptitude in driving a bargain, as will be seen hereafter in the terms he made with Moray on his assuming the regency. It was therefore in the highest degree improbable that he should have parted so lightly with papers of such importance. Had he done so, his knavery would, as has been justly remarked, have been equalled by his folly :—"Dalglish might destroy the papers immediately on receiving them ; he might elude the guards set for him ; he might secrete the papers for the present, and come privately for them afterwards . . . and the man who had suffered the Bird to fly out of his hand because he was confident he could catch it again, would have been considered by Morton

and his rebel brethren as a fool and an idiot for the act.”¹

Again, the story was unsupported by witnesses. We are required to receive it on the unverified assertion of a man who was himself proved afterwards to be guilty of the crime with which he now charged the Queen.

Had the story told by Morton been true, witnesses might easily have been produced in confirmation of it. Dalglish, on whom the casket was found, the person or persons who found it on him, the messenger who was sent to give Morton notice to intercept him, and Balfour, who gave Dalglish the casket, might all have borne testimony to the truth of the story. Only a few days after the alleged discovery of the casket, Dalglish was examined judicially in a council at which the Earl of Morton was present.² It would have been natural that his examination should have had some reference to the casket ; that he should have been asked some such questions as these,—What orders he received from Bothwell concerning the casket ?

¹ Whitaker, i. 202.

² Anderson's Collection, ii. 173.

Who delivered it to him? Whether it was open or locked? If open, what it contained? And it would have been natural also that he should have been confronted with Balfour, from whom he is supposed to have received it, and with the servants who are supposed to have found it on him.¹ But in the whole of his examination and deposition no reference is made to the casket or Letters. There was not a particle of evidence given to show that they were ever in his possession.

Is it to be supposed that the establishment of a fact so important would have been neglected by men who were fully aware that "it stood them in their lives and estates" to prove the guilt of the Queen? They had assured Throckmorton that her guilt could be proved by "sufficient witnesses" as well as by her own handwriting, but these witnesses were never forthcoming. On the contrary, Dalglish and others who were executed for Darnley's murder, explicitly declared the innocence of the Queen in the hearing of many witnesses. (This will be established when the evidence of contemporaries falls under consideration.)

¹ See Tytler's *Enquiry*, i. 81, and Stuart's *Scotland*, i. 408.

Moreover, Moray betrayed consciousness that the Letters would not stand rigid scrutiny, by endeavouring, before the commencement of the legal investigation, to obtain from Elizabeth a promise that she would regard them as proofs of Mary's guilt.

Mary's defeat at Langside had resulted in her taking refuge in England, and applying to Elizabeth for help. Elizabeth wrote to Moray requiring an explanation of his conduct towards his Queen. In reply, Moray sent *translations* (so called) of the Casket Letters by his servant John Wood, and wrote concerning them thus :—

“It may be that such letters as we have of the Queen, our Sovereign Lord's mother, that sufficiently in our opinion prove her consenting to the murder of the King, her lawful husband, shall be called in doubt by the judges to be constituted for examination and trial of the cause, whether they may stand or fall, prove or not. Therefore since our servant, Mr. John Wood, has the copies of the same letters *translated in our language*, we would earnestly desire that the said copies of the letters may be considered by the judges that shall have the examination and commission of the

matter, that they may resolve us thus far, in case the principal agree with the copy, that then we prove the cause indeed : for when we have manifested and shown all, and yet shall have no assurance that it we send shall satisfy for probation, for what purpose shall we either accuse or take care how to prove, or when we have proved, what shall succeed.”¹

It is obvious that the point to be proved was, not that “the principal agreed with the copy,” but that “the principal” was genuine. Moray’s expecting the cause to be held “proved indeed” on such grounds was absurd ; his endeavouring beforehand to obtain a promise of a verdict against Mary was dishonest, and incompatible with a belief in the justice of his cause ; and his sending “translations” of the Letters to the English Court, instead of copies of the originals, was in the highest degree suspicious, since Elizabeth had expressly assured him, in October 1565, that she understood French better than Scottish.² If the true originals of the Letters had been French, no reason existed why Moray should have been at

¹ Printed in Goodall, ii. 75.

² See Froude, viii. 214.

the trouble of having them translated before sending them to her. His doing so serves to corroborate the assertion of Mary's defenders, that the Letters were originally written in Scottish, and therefore not by Mary, who was wholly unaccustomed to correspond in that language.

It must also be noted that these Letters have, from the very earliest times, been challenged as being tainted with forgery.

In the paper drawn up on the 12th September 1568, by a number of "the Noblemen, Earls, Lords, Bishops, Abbots, Barons, and others, her Grace's true faithful subjects of the realm of Scotland," the following passage occurs:—"And gif it be alleged that her Majesty's writing produced in Parliament should prove her Grace culpable, it may be answered, That there is in no place mention made in it whereby her Highness may be convict, *albeit it were her own hand-writ, as it is not. And also the same is devised by themselves in some principal and substantial clauses.*¹ In the same month (September 1568),

¹ Printed in Goodall, ii. 354-356.

Mary Stuart herself wrote of them thus:—"Gif ony such writings be, they are false and feigned, forged and invented by themselves only to my dishonour and slander; and there are divers in Scotland, both men and women, that can counterfeit my handwriting, and write the like manner of writing which I use, as well as myself, and principally such as are in company with themselves. And I doubt not, gif I had remained in my own realm, but I would have gotten knowledge of the inventors and writers of such writings or [before] now, to the declaration of my innocency, and confusion of their falsehood."¹

Bishop Lesley reiterates the above statements in a letter presented to Elizabeth in December 1568, and adds an appeal to Elizabeth's own knowledge of the fact that counterfeit letters of Mary's had formerly been sent to England:—"I doubt not but your Majesty, and divers others of your Highness's Court, has seen sundry letters sent here from Scotland, which would not be known from her own handwrit."²

The famous "Defence of Q. Mary's Honour"

¹ Printed in Goodall, ii. 342, 343.

² Goodall, ii. 388, 389.

was published by Lesley in 1570. After speaking of the Casket Letters "as a blind, deaf, and dumb testimony of certain obscure letters, written and indited, as they most falsely and vainly avouch, and hitherto were never able to prove, by the Queen to the Earl of Bothwell," Lesley comments on them thus:—"Surely the civil law willeth, that in criminal matters (for such are these), the accusers allege and bring forth nothing but that they may be able to approve and justify, by the testimony of good and lawful witnesses, or by some other most manifest, clear, and evident proof or presumption. . . . And think you now that ye may lawfully take up arms against your mistress . . . and spoil her of her crown, and (which is more) of her good and honourable name, fame, and estimation, and then blear men's eyes, and face the world out with the show of these letters, as it were, with a card of ten? But yet, say you, they are her letters. She denieth them, and we deny them too. . . . For as for him that you surmise was the bearer of them, and whom ye have executed of late for the said murder, he at the time of his said execution took

it upon his death, as he should answer before God, that he never carried any such letters, nor that the Queen was participant nor of counsel in the cause. Think ye that wise and expert men are ignorant, how perilous and dangerous a matter it is, to fasten any good proof upon collation of letters, and how easy it is to some men to imitate and counterfeit any character? The which a knight, lately deceased in England, could so lively and subtilly do, that he who wrote most crabbedly and unlegibly could hardly discern his own handwriting from the knight's counterfeiting hand.

“But who conferred these letters, I pray you, with your Queen's own handwriting? Dare you to warrant them, in this so perilous and weighty a cause, to have been so exquisitely and so exactly viewed and conferred with all such due circumstances, as the civil law doth require, were it but a civil or a money matter? You will peradventure answer, that there was due collation by you made. O perfect and worthy collation! O meet and apt men for such a purpose! As though it is not notoriously known throughout the world that ye are her most mortal enemies :

as though these counterfeit letters were not the underpropped posts and upholders of your whole treachery and usurped kingdom : as though that many in Scotland could not express and resemble and counterfeit in their writings the Queen's very character : and as though there were not among yourselves some singular artifice in this handicraft, and that hath sent letters also in her very name, as well into England as to other places besides, without either her commandment or knowledge. How can I choose then but say that this deed is your shameful handicraft, and not her handwriting? Yea, surely, all this is your own feigned forging and most vile counterfeiting. . . . And as touching your said juggling box, you have been very foully and marvellously overseen in the close and clean *conueiance* of your fingers, for that a man more than half blind may perfectly see and perceive your foul play, forasmuch as the very selfsaid Dalgleish, whom among others ye executed and rid out of the way, hath said and sufficiently declared the Queen's innocence."¹

¹ Defence of Q. Mary's Honour, pp. 10-14, Liège edition, 1571. It has been affirmed that Lethington sent copies of the Casket

The assertion that the Letters had been devised by the Queen's enemies and "extorted from some one that could counterfeit her hand," is repeated by Adam Blackwood, whose *Martyre de la Royne d'Escoce* was published in 1587. "This is not the first time," he continues, "that they have used this means. Murray, here present, knoweth well what to say, if he would confess the truth, which is nevertheless so well known that he cannot deny it: for when the Lord Gordon, eldest son and heir to the Earl of Huntly, was prisoner at Dunbar, Murray despatched, in all haste, a man

Letters to the Queen at Bolton, by the hand of Sir Robert Melville, before the conferences at York, and that she did not deny their authenticity, but requested Lethington to use his efforts to stay the vigorous accusations of Moray. The authority for this statement is a supposititious confession of Lesley's when a prisoner in the Tower—a confession defamatory of Mary, and "by the side of which Buchanan's Mary is an angel" (see Froude, ix. 400). Among other charges, she is accused of having "poisoned her husband, the French King"! That Lesley made any such confession is disproved by the fact that, on his release from the Tower, he republished at Rheims (1580) the *Defence of Q. Mary's Honour*, from which extracts have been given above. Moreover, it can be proved that Sir R. Melville's visit to Bolton was not before but after the conferences at York. The conferences began on the 4th October. Melville's visit to Bolton was on the 15th.—Labanoff, ii. 218. See also Melville's own statement before the Privy Council.

The *Defence of Q. Mary's Honour* had been published in England in 1570, under the name of Morgan Philips; it was immediately suppressed by Cecil, and was then published at Liège

of his own to Craigmillar, captain of the said castle, with letters counterfeiting her Majesty's handwriting, by the which he commanded him that, upon the receipt of these letters, incontinently without delay he should strike off the said Lord's head. . . . It is well known that the letters of Mary Beton, one of her Majesty's ladies of honour, resembled so nearly those of her mistress, that it is not possible to discern the one handwriting from the other; ye have also at this day, by your juggling . . . now brought in the realm a most devilish and lewd practice,

under the name of Walter Morbers; but when published at Rheims, Bishop Lesley prefixed his own name to it, and declared it to have been "first compiled by him in English while he was ambassador in England for Queen Mary, and now translated by him into Latin" (see Whitaker, iii. 385). Some passages in this Defence have been construed unfavourably to Mary by modern historians; among others, the Bishop's assertion that "Scripture did not warrant subjects in laying violent hands on their anointed Prince by their private authority; that God had been highly displeased with King David, yet David had not been therefore by his subjects deposed" (p. 35, Liège ed.) This has been construed into an admission that Mary had been guilty of David's crimes. But it might as reasonably be asserted that the Royalist divines believed Charles I. guilty of Nero's, on the strength of their reminding the people that it was in the days of that heathen monarch that the words "Honour the king" had been first spoken. The *a fortiori* inference is abundantly evident in both cases. Bishop Lesley's assertions of Mary's entire innocence are so numerous and explicit as to render it surprising that an unfavourable construction should have been put on his words.

that many of you have learnt to counterfeit men's hands so cunningly, that you would mistake your own handwriting, and approve and allow that for yours which hath been falsified by them, and you never did see with your eyes before. We say then that the Queen never wrote these letters. . . . You will say, They were found within a little coffer of silver pertaining to the Queen : we say that, if it be so, you yourselves have put them there ; for Mr. James Balfour, captain of the castle of Edinburgh, having stolen away her Majesty's jewels that was in it, pertaining to her Majesty, was corrupt by you for reward, and yielded himself to your side, and betrayed his mistress. . . . Suppose it be he or any other that wrote them, and put them in the said coffer, it is all one to us, since it was in your power to put therein whatsoever you pleased. We only deny that it was her Majesty, or any person to her knowledge, or any that can avouch it of her."¹

Belleforest makes similar statements in *L'Innocence de la Royne d'Escosse* (Jebb, i. 524) ; and

¹ Translation, published by Maitland Club, pp. 80-84.

Camden, who also was a contemporary of Mary's, not only intimates his belief that the Letters were forged, but states that Lethington had given private notice that he had frequently counterfeited the Queen's hand :—

“ When the English Deputies, upon hearing what had been alleged, demanded Murray to give the reasons of so rugged a procedure against an absolute Queen, and to produce more substantial proofs than had hitherto been brought (for there appeared no witnesses, nor anything but a few forged, or at the least suspected, Papers); and Lidington having, it seems, given them private notice that he had more than once counterfeited the Queen's hand,¹ Murray had but this to say, that he was loth to impeach his sister further before strangers, unless the Queen of England would engage for the protection of the young King, and to abandon the cause and interest of the Queen of Scots. . . .”

Camden also affirms that the Letters were be-

¹ Lethington—whose incessant changes of party gained him the title of The Chameleon—afterwards made strenuous efforts to suppress the Letters, though he was not bold enough to make the above confession openly.

lieved by Elizabeth to be a fabrication :—" For the letters and verses (there being no name nor date to them, and too many abroad who are very dexterous at counterfeiting other men's hands and subscriptions), they gained little belief with Queen Elizabeth, though she did not want a certain degree of emulation so natural to the sex ; but it were enough for that if the Queen of Scots' reputation were only something impaired by this impeachment."¹

Camden's statements are corroborated by a letter of De Silva's to Philip II., indicating distinctly that Elizabeth believed the Letters to be a forgery, and that she attributed the forgery to Lethington. It is cited in the recently published work of M. Gauthier.

" I mentioned to the Queen," writes De Silva, " that I had been informed that there were in the possession of the Lords certain letters which showed that the Queen of Scotland was cognisant of the death of her husband. She replied that it was not true, though Lethington had falsely represented this matter ; and that if she saw him,

¹ Camden's *Annals*, translation, as published in a *Complete History of England*, fol. ii. 414.

she would give him a few words, which would by no means please him.”¹

This concurrent testimony of contemporary writers is not easily reconciled with the modern statement that “the theory of forgery seems to have become prevalent only after any appeal to the original writings, and to the recollection of the persons referred to in them, had ceased to be practicable.”

Further, the manner in which the Letters were collated was suspicious.

The Letters had been privately exhibited to Elizabeth in June, and to the Commissioners at York in October, but Moray had hitherto avoided producing them openly. His hesitation was a disappointment to Elizabeth, who was desirous that he should accuse Mary publicly, and she removed the conferences from York to Westminster, where she could exert her influence more

¹ “Apunte à la reyna que avia sido avisado, que en poder de los señores estaban ciertas cartas por donde se entendia que la de Escocia oviese sido sabidora de la muerte de su marido ; dixome que no era verdad, ann que Ledington avia tratado mal esto, y que si ella le viese, le diria algunas palabras que no le harian buen gusto.”—Guzman de Silva to Philip II., 21st July 1567, Archives de Simancas ; Histoire de Marie Stuart, ii. 104, Gauthier.

effectively.¹ The conferences were opened at Westminster on the 25th November, and on the 26th Moray was induced to give in publicly his charge against the Queen.² He declared that he made this accusation with reluctance, and he

¹ Robertson, i. 411.

² Melville thus describes this scene :—"Then Secretary Cecil asked if they had the accusation there? Yes, says Mr. John Wood; and with that he plucks it out of his bosom; but I will not deliver it, says he, till her Majesty's handwriting and seal be delivered to my Lord Regent for what he demands. Then the Bishop of Orkney snatched the writing out of his hand, Let me have it, says he, I shall present it. Mr. John Wood ran after him as if he would have taken it again. Forward goes the Bishop to the Council table and gives in the accusation. Then cries out the Chamberlain of England, Well done, Bishop! thou art the frankest fellow among them all; none of them will make thy leap good, scorning his leaping out of the Laird of Grange's ship. Mr. Henry Balnares only had made resistance, and called for Secretary Lethington, who waited without the Council-house. But so soon as Mr. Henry Balnares had called for him, he came in and whispered in the Regent's ear, That he had shamed himself and put his life in danger by the loss of so good a friend as the Duke of Norfolk, and that he had lost his reputation for ever. The Regent, who by his facility had been brought to break with the Duke of Norfolk, repented himself thereof, so soon as Lethington acquainted him with the danger, and desired the accusation to be rendered up to him again, alleging that he had some more to add thereto. They answered they would hold what they had, and were ready to receive any addition when he should please to give it in, The Duke of Norfolk had much ado to keep his countenance. Mr. John Wood winked upon Secretary Cecil, who smiled again upon him. The rest of the Regent's company were laughing one upon another, only Secretary Lethington had a sad heart. The Regent came forth of the Council-house with tears in his eyes, and went to his lodging at Kingstoun, where his factious friends had much ado to comfort him."—Melville, pp. 96, 97, ed. 1683. Compare with Froude, ix. 339, 340.

ascribed his reluctance to his desire to shield his sister from disgrace! Some of Mary's enemies have the candour to admit, however, that his professions on this point deserve no credit:—"Had the party discovered any delicacy or reserve with regard to the Queen's actions in the rest of their conduct, these pretexts might have passed for the real principles by which they were guided."¹ But Moray had already shown the Letters to the Commissioners at York; he had not merely shown them to Elizabeth, but had endeavoured to obtain from her a promise that they should be held probative of Mary's guilt; and he had in the very body of an Act of Parliament, "set forth the nature of the Letters and the guilty conclusions to be drawn from them in the plainest and severest terms."² "Wherefore it is apparent," observed Mary's Commissioners, "that all this is but a drift and cloaked dissimulation, in that they pretend themselves to be 'so loath to publish now to strangers her Grace's infamy,' which they have already done most extremely. And here may also well appear the rule of the law, *protestatio contraria facto non*

¹ Robertson, i. 415.² Burton, iv. 437, 438.

releuat, that a man ought not to take benefit by a protestation to the which his deeds are repugnant, as the auld proverb also takes place, *Crocodili lachrymæ*, the false and traitorous tears of the hypocritical crocodile.”¹

A few days after, Moray produced the proofs of his accusation—the Casket Letters,—and they were subjected to a formal examination.

“Of which Letters, the originals, supposed to be written with the Queen of Scotts’ own hand, were then also presently produced and perused; and being read, were duly conferred and compared, for the manner of writing and fashion of orthography, with sundry other letters long since heretofore written and sent by the said Queen of Scotts to the Queen’s Majesty.”²

It is obvious, that it was of the utmost importance that the letters with which the Casket Letters were compared should be indubitably originals. And had a real belief in Mary’s guilt existed in the minds of Elizabeth and her Commissioners, they would have taken care that there

¹ Goodall, ii. 290.

² Journal, altered and interlined by Cecil, printed in Goodall, ii. 256.

should be no doubt about the matter. It was in their power to send for the Commissioners of Mary, and to require from them some of Mary's letters for the purpose of the collation, and so guard against all possibility of deception. They might have called for paper after paper from them, in order to compare one with the other, and to compare the Casket Letters with all. Or Elizabeth might herself have written to Mary, and sent one of her own Commissioners and one of Mary's to see her write her answer.¹

Instead of this, letters are produced by Elizabeth, though she had already shown herself capable of collusion with Moray where Mary was concerned;² and their authenticity is unvouched for, save by the parties most interested in condemning Mary.

"In collation whereof no difference was found." That this was not considered a proof of Mary's guilt by the nobles who assisted at the conferences, is apparent from the fact that many of them devoted the remainder of their lives to her cause. Arundel, Northumberland, Westmoreland, Pem-

¹ See Whitaker, i. 107, 115.

² October 1565. See Froude, viii. 214-219.

broke, Sussex, and Clinton, evinced practically their belief in her innocence. As regards Norfolk, we learn from Camden that "Queen Elizabeth said publicly that the Queen of Scots would never want an advocate as long as Norfolk lived."¹

It is next to be remarked that Mary was never permitted to see the originals of the Casket Letters, nor even copies of them, though she often demanded them, and undertook to prove the Letters false, if her request were granted.

The first demand on record for inspection of the Casket Letters is dated Bolton, 29th September 1568:—"In case they allege they have any writings of mine, which may infer presumption against me in that cause, ye shall desire the principals to be produced, and that I myself may have inspection thereof, and make answer thereto. For ye shall affirm, in my name, I never writ onything concerning that matter to ony creature."²

This demand was repeated on the 19th December, when Mary sent from her prison at Bolton

¹ Camden's *Annals*, translation, as printed in a *Complete History of England*, fol. ii. 415.

² Printed in Labanoff, ii. 202; Goodall, ii. 342.

an answer to the Eik (or additional accusation), given in by Moray. In this answer she declared that, wherein they said that she knew of or advised the murder of her husband, "they falsely and traitorously lied, imputing unto us the crime whereof they themselves are authors:" wherein they said that she had stopped inquisition and due punishment of the murder, they had been already answered in her reply given in at York: wherein they accused her of evil designs against her child, "the natural love the mother bears to her only bairn is sufficient to confound them, and needs no other answer." She then demanded inspection of the Casket Letters in the following terms:—

"And to the effect our good sister may understand we are not willing to let their false invented allegiances pass over with silence, adhering to your former protestations (that the procedure was not to be judicial), ye shall desire the inspection and doubles of all they have produced against us; and that we may see the alleged principal writings, gif they have any, produced; and with God's grace we shall make such answer

thereto, that our innocence shall be known to our good sister and to all other princes."¹

On the 25th December, Mary's Commissioners appeared before Elizabeth and her Council, and declared that their Queen "could not suffer these blasphemous and slanderous accusations to pass over with silence unanswered." They repeated the request that she might be permitted to inspect the Letters. "They most humbly desired the Queen's Majesty to cause them have such writings as were produced against their mistress by their mistress's adversaries. And, adhering to the protestations made by them before, and upon the conditions contained in their writings, their mistress would make answer thereto."²

Elizabeth admitted the reasonableness of this request:—"Which desire her Majesty thought very reasonable, and declared her to be very glad that her good sister would make answer in that manner for defence of her honour. And to the effect her Majesty might be the better advised upon

¹ Answer to the Eik, 19th December 1568; Keith, iii. 309; Goodall, ii. 288, 289.

² Proceedings at Hampton Court: Goodall, ii. 282.

their desires, and give answer thereto, desired an extract of the said writing (their instructions from Mary) to be given to her Highness; which the said Commissioners did on the morn deliver."¹

Reasonable as Elizabeth thought the request, she did not grant it, and Mary repeated it on the 2d January following (1568-69). She stated that she had learnt, since it had pleased God to deliver her from their hands, that the Earl of Moray and his accomplices were "first inventors, conspirators, and some of them executors of the murder of the King our husband." And she adds:—"And seeing they have set forward the rage of their accusations against us, and the same produced, read and published before her (Q. Elizabeth) and the nobility of her realm, ye shall require our said good sister that copies be given you thereof, to the effect that they may be answered particularly; that she and all the world may know that they are no less unshamefast and false liars, and that, by their so manifest unlawful actions, she and all other Christian princes may esteem them traitors."²

¹ Goodall, ii. 282.

² Labanoff, ii. 263.

Mary's Commissioners laid this request before Elizabeth on the 7th January, when they "passed to the presence of the Queen's Majesty of England, and declared that they had presently received writings from the Queen's Majesty of Scotland . . . who desired the writings produced by her inobedient subjects, or, at the least, the copies thereof, to be delivered unto them, that their mistress might fully answer thereto as was desired." Elizabeth had recourse to delay:—"The Queen's Majesty of England took to be advised therewith, and promised to give answer within two or three days."¹

After this renewed requisition, Elizabeth, on this same 7th January, made proposals for a compromise. She proposed that Mary should, as weary of government, "yield up the crown and government thereof, and demit the same in favour of her son the Prince . . . and she in the meantime to remain in this realm of England privately, and so the country should be in quietness."²

¹ Proceedings at Hampton Court, 7th January 1568-69: Goodall, ii. 297, 298.

² *Ibid.* 300.

The Bishop of Ross promptly replied that he had his mistress's command to declare that to such a proposal she would never agree. Elizabeth, however, "did earnestly press him" that he and the other Commissioner should write to Mary on the subject, "which they all wholly and absolutely refused."¹ Elizabeth then desired them to confer with her Council. They did so, but it was only to reiterate a refusal of the compromise,² concerning which Mary wrote:—

"As to resigning my crown, I beg you to trouble me no more about it, for I am resolved and determined rather to die than to do it; and the last word which I shall utter in my life shall be as Queen of Scotland."³

Elizabeth had promised an answer to Mary's request for the Letters in two or three days, and, as it was a request which she had allowed to be

¹ Goodall, ii. 300.

² The Bishop of Ross and Lord Hennis had made a proposal for a compromise on the 4th December previous, but had stated that "this motion came not from the Queen, who as yet knew not of the accusation given in by the Earl of Moray, but was of their own consideration."—Goodall, ii. 223-7. This statement is confirmed by Mary's decisive rejection of a compromise when it was offered her.

³ Labanoff, ii. 274; Goodall, ii. 301.

“very reasonable,” it was hard to find a reason for refusing it. In this dilemma she adopted the plan of sending the Letters and Moray away together. He and his associates appeared before the Privy Council on the 10th January, and were informed by Cecil that Elizabeth was of opinion that nothing had as yet been brought forward against them which impaired their honour or allegiance. That, on the other hand, “there had been nothing produced nor shown by them against the Queen their Sovereign, whereby the Queen of England should conceive any evil opinion of the Queen, her good sister, for anything yet seen.” Cecil concluded by informing Moray and his adherents that they should be suffered to return to Scotland at their pleasure.¹ The following day (11th January) this announcement was repeated, the Commissioners on both sides being present. Cecil added that a rumour having arisen that they (the Earls of Moray, Morton, and their adherents) had been concerned in the murder of the Queen of Scotland’s husband, Moray had desired to be confronted with the Queen of Scot-

¹ Proceedings at Hampton Court : Goodall, ii. 305.

land's Commissioners, and to know whether they would accuse him for the said crime in the Queen's name or in their own.¹

Mary's Commissioners replied, That in their own name they had affirmed nothing; "they came not here to declare their thought and meaning," but that "they had received special command of the Queen's Majesty to accuse the Earl of Moray and his adherents as principal authors and inventors, and some of them executors, of the murder of the King. They had already publicly given in their accusation; they offered constantly to abide thereat in their mistress's name; they had offered also to defend her innocence, and to answer all the calumnies alleged or produced against her, so being that she might have the copies of the pretended writings given in publicly or privately against the Queen their mistress; which they have divers times required of the Queen's Majesty and her Council, suppois they have not as yet obtained the same; and how soon that they received the copies thereof, she would answer thereto in defence of her innocence,

¹ Goodall, ii. 307.

and also particularly name and accuse such persons, being present of their company, as were guilty of that murder, and would verify and prove the same.”¹

Moray asserted his innocence, and offered to go to Bolton to see whether the Queen would accuse him. It was answered that this was unnecessary, as Mary’s written accusation had been produced to the Queen of England. The very next day (12th January) “the Earl of Moray and all his adherents got license to depart into Scotland.” The originals of the Letters had been re-delivered to Moray,² therefore his departure rendered an inspection of the originals out of the question, but Mary and her Commissioners persevered in their demands for copies of them.

On the 13th January, Elizabeth informed Mary’s Commissioners, through Cecil, “that she will not refuse unto the Queen, her good sister, to give *the doubles* of all that was produced; but, that her Highness may be certified of her mind before the same be delivered, thought good to signify

¹ Proceedings at Hampton Court : Goodall, ii. 307-9.

² Goodall, ii. 235.

and declare unto you in her name, that she will have a special writing sent by the Queen of Scotts, her good sister, signed with her own hand, promising that she will answer to the same writings and things laid to her charge but [without] any exception."

The reason assigned for this requisition was that Mary's Commissioners had "discharged the conference at Westminster." This had indeed been done by them on the 6th December previous,¹ but the conferences had, as we have seen, proceeded notwithstanding; and Elizabeth's Commissioners had received from Mary's Commissioners, expressly as commissioners, an answer to Moray's protestation, the answer beginning thus:—"We, *the Commissioners* for our Sovereign Lady the Queen's Majesty of Scotland, do lay and propound before your honourable Lordships," etc.² In fact it was not till the 8th December that the

¹ "We consent in no wise that any further should be proceeded in this conference, nor yet our Sovereign's disobedient and rebellious subjects be heard to give in any pretended probation for proving of their said invented addition, unto the time that the Queen's Highness our Sovereign were present and heard."—Goodall, ii. 229.

² Goodall, ii. 289; Whitaker, i. 142.

Casket Letters were produced.¹ Since that date, Mary had twice declared, in writing, her readiness to answer the charges against her, so soon as she was allowed copies of the Letters.

On the 19th December she had written:—
“... And that we may see the alleged principal writings, gif they have any, produced; and with God’s grace *we shall make such answer thereto* that our innocence shall be known,” etc.

On the 2d January she had written:—“Ye shall require our said good sister that copies be given you thereof, *to the effect that they may be answered particularly.*”

These instructions had been delivered by the Commissioners to Elizabeth on the 8th January.²

Cecil was immediately reminded of this by the Commissioners in their reply. They stated:—
“That albeit the Queen’s Majesty desired such an writing to be sent by the Queen’s Highness of Scotland, before the delivery of the said writings unto them, yet the same appears not to be necessary, in respect of two several writings, shown

¹ Journal of the Commissioners: Goodall, ii. 235.

² Goodall, ii. 288, 289.

and read in presence of her Majesty and her Council, subscribed with her own hand, and under her signet, whereof the extract was delivered to the Queen's Majesty of England, in the which she offered to make answer upon certain conditions therein expressed, so being she may have the writings, or at least the copies of them, if ony was publickly or privately presented against her Highness by her inobedient subjects."¹

This statement was incontrovertible, and to it Cecil attempted no reply. Mary's Commissioners proceeded to urge the injustice of permitting Moray and his adherents to depart, whilst their Royal Mistress and they were detained. To this it was answered that Moray had promised to return when called for, that the Queen of Scotland could not be suffered to depart, but that her Commissioners would probably not be detained. They repeated their protest against the injustice of detaining the Queen, but no redress was to be obtained, and they were obliged to content themselves with protesting solemnly that whatever she did within the realm of England should not pre-

¹ Goodall, ii. 211.

judge her honour, estate, person, or authority, she being against her will detained.¹

Thus these celebrated conferences were ended, and Mary Stuart was condemned unheard. She was charged with the murder of her husband, and the charge was said to be proved by letters under her own hand. She declared the accusation to be false, and the letters to be forged. It was clearly her right to be allowed to examine the letters, to confront her accusers, to question Morton, his servants, and Sir James Balfour, separately, concerning the discovery and the delivery of the box of letters, and to be heard in her own defence.

Not one of these rights was accorded her. Elizabeth pronounced her request to be heard "very reasonable," but did not grant it. She pronounced her demand for the Letters "very reasonable," but withheld them from her; and on Mary's persistently reiterating her demand for them, she sent the Letters and Moray back to Scotland.

¹ Proceedings at Hampton Court, 13th January 1568-9: Goodall, ii. 310-313.

“The vilest criminals that are in your prison,” wrote Mary to Elizabeth some years after, “are admitted to their justification, and their accusers and their accusations are always declared to them. Why then shall not the same order have place towards me, a sovereign Queen, your nearest relation and lawful heir?”¹

The case has been fairly stated thus:—“Suppose a man was to swear a debt against me, and offered to prove it by bond or bill of my handwriting, if I knew this bond to be a false writing what would be my defence? Show me the bond itself, and I will prove it a forgery. If he withdrew the bond, and refused to let me see it, what would be the presumption? Surely that the bond was forged, and that the user was himself the forger.”²

Mary’s enemies added to their injustice by asserting that she refused to give in any answer to Moray’s charge, and by adducing this as a proof of her guilt. Mary had, in her answer to the *Eik* (the additional accusation given in by Moray), made such general answer as was alone possible

¹ Chalmers, i. 490.

² Tytler’s Enquiry, i. 144.

without seeing the evidence against her;¹ and she had, as we have seen, again and again demanded the letters, "*that they may be answered particularly.*"

These statements having been established by documentary evidence, it may be fairly asserted that it was Mary's enemies, not Mary herself, who "recoiled from the inquiry at the very critical moment when a scrutiny was demanded of their evidence, and when the truth could have been fully cleared, and that, by so doing, they have ratified every argument and proof of forgery that is now brought against the Casket Letters."²

¹ Answer to the Eik : Labanoff, ii. 257 ; Goodall, ii. 268 ; Keith, iii. 309.

² See Hume, v. 325 ; Tytler's Enquiry, i. 177.

PART II.

THE CONTENTS OF THE LETTERS.

THE Internal Evidence against the authenticity of the Casket Letters is now to be considered.

According to the statement made by Mary's Commissioners, it appears that letters of Mary's own had been made the ground-work of this forgery ; that these letters had been interpolated, and then copied. The Commissioners asserted that the handwriting of the Casket Letters was none of hers, and that the matter, in several important passages, had been supplied by her enemies :—
“ . . . Albeit it were her own handwrit, *as it is not*,” say they, “and also the same is devised by themselves in some principal and substantious clauses.” Various circumstances tend to confirm this statement.

The original Letters were declared by the confederate lords to be in French, the language usually employed by Mary in her correspondence.

But it was affirmed,¹ on a critical investigation of the Letters, that French was not the language in which they had been originally written, but Scottish; that the translation, so called, sent by Moray to Elizabeth, in 1567, was in truth the original of the Letters; that Buchanan's Latin was a translation from the Scottish, and that the French was a translation from Buchanan's Latin. Hence it followed, it was argued, that the assertion of the Queen's enemies, that these Letters were written by her in French, was a false assertion, and that the Letters themselves were forgeries.

Mary's friends supported this statement by pointing out various Scottish idioms, awkwardly rendered in Buchanan's Latin, and slavishly followed in the French translation, and some curious blunders, of which one or two specimens may be given.

Thus, the Scottish version makes the Queen say :—

¹ See Goodall's *Vindication of Mary Queen of Scots*, 1754; Tytler's *Enquiry into the Evidence against Mary Queen of Scots*, 1759; Stuart's *Scotland*, 1782; Whitaker's *Mary Queen of Scots Vindicated*, 1788.

"I am irkit (weary) and going to sleep, and yet I cease not to scribble all this paper."

In the Latin version, "irkit" has been mistaken for *nakit*, and is translated, "Ego nudata sum."

The French translator renders it, "Je suis toute nue."

It is to be observed that the letter is supposed to be written in January.

Scottish version—"We are coupled with twa false races."

The Latin renders this, "Nos sumus conjuncti cum duobus infidis hominum generibus."

The French follows—"Nous sommes conjoints avec deux espèces d'hommes infidèles."

Scottish version—"I am going to seek my repose till the morn, when I shall end my Bybill, but I am fashed that it stops me to write news of myself unto you, because it is sa lang." (Bybill, or Bylle, is an old Scottish word for a large writing—a scroll so extensive that it may be compared to a book.)

Latin version—"Ego eo ut meam quietem inveniam in crastinum ut tum *mea biblia* finiam ; sed angor quod ea me a scribendo de meipsa ad te impediat quia tam diu est."

French version—"Je m'en vais pour trouver mon repos jusques au lendemain, afin que je finisse ici *ma bible*, mais je suis fâchée que ce repos m'empesche de vous escrire de mon fait parce qu'il dure tant."

Scottish version—"Ye have sair going to see sick folk" (a common Scottish saying).

Latin—"Bella hujusmodi hominum visitatio."

French—"Voila une belle visitation de telles gens"! ¹

In all these and many other instances it was evident, urged Mary's defenders, that the Scottish version contains the meaning intended by the writer—that the Scottish version is the original, from which the Latin and French were translated.

The justice of this criticism could not be denied; and Mary's enemies were, in consequence, obliged to shift their ground. They abandoned the theory, hitherto maintained by them, that the

¹ See Goodall, ii. 14, 15.

French letters were the originals, but asserted that this did not affect their weight as proofs of Mary's guilt.

The French letters had indeed, they owned, been proved to be a translation from Buchanan's Latin, and Buchanan's Latin a translation from the Scottish, yet this did not, they said, prove the Scottish to be the original ; there had existed another French copy, which was the true original, and from it the Scottish version of the Letters had been translated. "The originals," it was affirmed, "were out of Buchanan's reach, and his French and Latin versions of the Letters were re-translations from the Scottish translation which was made when they were first discovered."¹

But the evidence of contemporaries establishes the fact that Buchanan *had* access to the originals, such as they were ; that his "Detection," in which the Letters appeared, was written under the immediate superintendence of the possessors of the Letters, the Letters being at that time in their possession, and that they themselves furnished him with the materials for his work.

Buchanan assisted in showing the original

¹ Hume, v. 344 ; Robertson, ii., Dissertation, 27 ; Froude, ix. 62.

Letters to Elizabeth's Commissioners in 1568;¹ he published the Latin² and Scottish versions in 1571,³ and the French version in 1572. The originals had been re-delivered to Morton in January 1571;⁴ and they were among his effects when he was executed in 1581. Hence it is plain that the Letters were in the possession of the confederate lords at the time that Buchanan, under their superintendence, wrote the "Detection," and therefore not out of his reach.

As regards the assistance afforded by the Lords to Buchanan in this work, we have the following testimony, in a paper published by Cecil, who, as Elizabeth's Secretary of State, and the ally of Moray and his party, must have been in possession of ample information:—

"The Book itself, with the oration of evidence, is written in Latin by a learned man of Scotland, Mr. George Buchanan, one privy to the proceedings of the Lords of the King's Secret Council there, well able to understand and disclose the truth,

¹ Letter to Queen Elizabeth : Goodall, ii. 140.

² Only three of the Letters were translated into Latin in the "Detection."

³ Letter from Alex. Hay to John Knox : Goodall, ii. 371.

⁴ Earl of Morton's receipt of the box and Letters : Goodall, ii. 191.

having easy access to all the records of that country that might help him. Besides that the Book was written by him, not as of himself, nor in his own name, but according to the instructions to him given by common conference of the Lords of the Privy Council of Scotland; by him only for his learning penned, but by them the matter ministered.”¹

Thus there was no good reason why Buchanan’s French and Latin versions of the Letters should be re-translations from the Scottish translations, and the critical objections to the genuineness of the Letters, of which instances have been given, retain their full force.

It was further urged by Mary’s enemies, that though Scotticisms are to be found in the Casket Letters, Gallicisms are to be found there also, and that in various passages there is “a spirit and elegance in the French, which neither the Latin nor Scottish have retained.”² This is true, but it is not inconsistent with the theory that the letters were interpolated. In those passages in which the French is manifestly the original, and

¹ Goodall, ii. 377.

² Robertson, ii. Dis. 27; Hume, v. 344.

the Scottish a translation, the difference between the two versions is in Mary's favour. Thus in the Scottish version of the third of the Letters, Mary is made to say :—" Mak gude watch gif the bird escapè out of the cage, or without her mate. As the turtle I shall remain alone for to lament the absence how short soever it shall be."

These words were, on the supposition that the letter was addressed to Bothwell, readily construed into a warning to him not to let Darnley escape. But the French version is incapable of such a rendering:—" Comme l'oiseau eschappé de la cage, ou le tourtre, qui est sans compagne, ainsi je demeurerai seule, pour pleurer vostre absence quelque brieve qu'elle puisse estre."¹

The entire disappearance of Darnley's papers has often been the subject of speculation; that some of Mary's letters to him fell into the hands of her enemies can scarcely be doubted, and such

¹ The words, " Mak gude watch gif the bird escape out of the cage," are specially noted in the " Abstract of the points tending to Queen Mary's condemnation " (Goodall, ii. 150), made by the English Commissioners at York. As these ominous words are not to be found in the French version, it becomes apparent that it was the Scottish version of the Letters that was shown to the Commissioners. Yet the Letters then shown were professedly the originals, and the originals were professedly in French.

a groundwork for forgery would greatly facilitate imposture.

It would be tedious to examine in detail all the incongruities apparent in the Letters, and the discrepancies between them, Moray's Journal, the confessions of Paris, and the correspondence of the period.

For example, according to Moray's Journal the Queen was in Glasgow with Darnley only from Thursday the 23d January till Monday the 27th; Bothwell having accompanied her as far as Kalendar on her way thither. "In this time," says the Journal, she "wrote her *bylle* and other letters to Bothwell."¹

¹ Moray's Journal [1566-7] January 23.—"The Queen came to Glasgow, and on the road met her Thomas Crawford from the Earl of Lennox, and Sir James Hamilton, with the rest mentioned in her letter. Earl Huntly and Bothwell returned that same night to Edinburgh; and Bothwell lay in the town.

"Jan. 24th.—The Queen remained at Glasgow, like as she did the 25th and the 26th, and had the conference with the King, whereof she writes; and in this time wrote her *bylle* and other letters to Bothwell. And Bothwell this 24th day was found very timeous weséing (visiting or inspecting) the King's lodging that was preparing for him; and the same night took journey towards Liddesdale.

"27th.—The Queen (conforme to her commission, as she writes) brought the King from Glasgow to the Kalendar towards Edinburgh.

"28th.—The Queen brought the King to Linlithgow, and there

This "bylle," the first of the Casket Letters, is of inordinate length, and required, according to the letter itself, two days for its completion. On each of these days, the Queen, on the same authority, continued writing it far into the night.¹ She did not begin the letter till the day after her arrival in Glasgow, for in the first portion of it she speaks of something that happened "the morn after my coming." Thus Letter I. was written on the evenings of Friday the 24th, and Saturday the 25th, yet the second letter is dated "This Saturday in the morning"!

This second Letter begins with a complaint of the length of time that had elapsed without tidings of Bothwell, and of his having delayed his return longer than he had promised; yet Bothwell had left Edinburgh for Liddesdale only on the night of Friday the 24th,² and under no circumstances could the Queen have expected his

remained all morn, quhill she gat word of my Lord Bothwell his returning towards Edinburgh by Hob Ormistoun one of the murderers. The same day the Earl Bothwell came back from Liddesdale towards Edinburgh."—Printed in Whitaker, iii. 350; Goodall, ii. 247; Tytler, ii. 400.

¹ See Letter I., printed in Goodall, iii. 29.

² See Moray's Journal.

return to Glasgow before the morning of Saturday the 25th.

The words "other letters" cannot mean less than two letters : Letter I. had occupied the 24th and 25th, and the Queen left Glasgow on the 27th; the number of the Casket Letters is therefore unquestionably disproportionate to the shortness of her stay in Glasgow.

Again, according to the supposititious confession of her attendant Paris, the Queen, after she had been two days in Glasgow, gave him her letter, with orders to carry it to the Earl of Bothwell, then in Edinburgh. It has been shown that the letter was not finished till the night of Saturday the 25th; Paris, therefore, is supposed to have started with it on Sunday the 26th. The next day (according to the confession) he received an answer from Bothwell, with which he set out for Glasgow, and meeting the Queen on the way, delivered it to her. But, according to Moray's *Journal*, "Bothwell, on the 24th, at night, took journey towards Liddisdale; and on the 28th of the same month came back from Liddisdale towards Edinburgh." Therefore he could not have

been in Edinburgh on the 26th and 27th to receive and answer this pretended letter.

Letters v., vi., and vii. are supposed to have been written at Stirling between the 21st and 23d of April,¹ and the abduction took place on the 24th. In Letters v. and vi. Mary is made to express uncertainty concerning Bothwell's plans, and to reproach him with having left to her the decision concerning the place to which she should be taken:—"As touching the place ye are too negligent, pardon me, to remit yourself thereof unto me. Choose it yourself, and send me word. . . . It was not lang of me that ye have not thought thereupon in time. And gif ye had not mair changed your mind, since mine absence, than I have, ye would not be now to ask sic resolving." Yet a letter from Drury to Cecil² intimates that it was known at Berwick on the 24th April that Bothwell had fortified and victualled Dunbar Castle for his purpose, an undertaking which could not be effected in a day, and which is

¹ Moray's Journal. "April 21st, viz., Mounday.—The Queen rode to Stirling as it was devised, and from thence wrote the letters concerning the purpose devised of her ravishing. April 23d.—She came to Linlithgow."

² Border mss., April 24.

wholly inconsistent with the tenor of the above letter.¹

Letter VII. was, according to Paris's confession, delivered by him to Bothwell during the night of the 23d, or very early on the 24th, the day on which Bothwell carried off the Queen.² At what time, then, was Letter VIII. written? Mr. Froude asserts that it was written just before her marriage with Bothwell.³ But there is no evidence to show that Mary was separated from Bothwell for a single day from the time of her abduction, April 24, till the time of her marriage, May 15. Enemies as well as friends have hitherto appeared agreed on this point,—“If there be any point agreed upon in Mary's history,” writes Robertson, “it is that she remained at Dunbar from the time that Bothwell carried her thither till she

¹ According to Mr. Froude, Letter v. was the last letter written by Mary to Bothwell before her abduction. He gives some extracts from it (see Froude, ix. 61; and Letter v. in Goodall, ii. 37-39) and says, “This last note must have been written from Stirling at midnight, between the 23d and 24th of April.”

Thus whilst the correspondence of the period shows that Bothwell's plans were matured betimes, and were actually known at Berwick on the 24th, the Casket Letters represent them as still unformed “at midnight between the 23d and 24th”—a few hours only before the abduction.

² Pitcairn, i. part ii. p. 510.

³ Froude, ix. 75.

returned to Edinburgh with him in the beginning of May.”¹ The close custody in which Bothwell kept the Queen is plainly stated in the “First Band” signed by the confederates, June 16, 1567, —“No nobleman nor other durst resort to her Majesty to speak with her, or procure their *lesum* business without suspicion, but by him, and in his audience, her chamber doors being continually watched with men of war.”²

From internal evidence the letter appears to have been written by Mary to Darnley in the interval between their private and their public marriage. Their private marriage took place on Monday the 9th July 1565,³ but their public marriage was not celebrated till the 29th July. The letter begins thus:—

“My Lord, if the weariness of your absence, added to your forgetfulness, and the fear of danger so threatened by all to your much-loved person, may give me consolation, I leave you to judge.” Then follow some tender complaints of Darnley’s little remembrance, little care, promises

¹ Dissert. 33.

² First Band, Keith, ii. 649.

³ Keith, iii. 336; Letter from Randolph to Q. Elizabeth, State Paper Office, vol. x. No. 98.

broken, and the coldness of his writing, now that she is so far made his. She sends him a ring, concerning the device of which she writes at some length in a metaphorical strain, adding :—
“ The tears are without number, so are the dreads to displease you, the tears of your absence, the *disdane* that I cannot be in outward effect yours, as I am without feignedness of heart and spirit, and of good reason, though my merits were much greater than of the most perfect that ever was, and such as I desire to be, and shall take pain in conditions to imitate for to be bestowed worthily under your rule. My only wealth, receive therefore in good part the same, as I have received your marriage with extreme joy, the which shall not part forth of my bosom, till that marriage of our bodies be made in public as a sign of all that I either hope or desire of bliss in this world.”

In conclusion, she declares herself to be his “ humble and obedient lawful *wife*.”

The above allusions to a private marriage are intelligible as regards Darnley ; not so as regards Bothwell, between whom and Mary there was no private marriage.

The greater number of the Casket Letters have now been considered, though, for the sake of brevity, many points have been left untouched; but the "Bylle," or first of the Casket Letters, calls for special notice, and must be examined more in detail.

It has been said of it that it could have been invented only by a genius equal to that of Shakespeare; and it must be admitted that even Shakespeare's imagination never conceived a bolder flight than a love-letter expressing the most ardent passion, yet containing two summaries of contents, and a memorandum of the person to whom it is addressed.

The first summary of contents occurs in the middle of the letter, and runs thus:—

"The message of the Father in the gait (way).¹

"The purpose of Sir James Hamilton.

¹ That is, the message from Darnley's father by Crawford. Mr. Froude, without adducing any evidence in favour of the statement, assumes that Crawford was one of Darnley's gentlemen, and therefore transfers to Darnley the "sharp words" spoken by Mary of Crawford's "master." On these he founds inferences to Mary's disadvantage. See Moray's Journal: "Jan. 23.—On the road met her Thomas Crawford from the Earl of Lennox."

“ Of that the Laird of Luss showed me of the delay.

“ Of the demands that he asked at Joachim.

“ Of my estate.

“ Of my company.

“ Of the reason of my coming.

“ And of Joseph.

“ Item, the purpose that he and I had together.

“ Of the desire that he has to please me and of his repentance.

“ Of the interpretation of his letter.

“ Of Willie Hiegate’s matter of his departure.

“ Of Monsieur de Levingston.”

Passages answering to each of these headings are to be found in the letter.

The second summary of contents is at the end of the letter :—

“ Remember you of the purpose of the Lady Reres.

“ Of the Englishman.

“ Of his mother.

“ Of the Earl of Argyle.

“ *Of the Earl of Bothwell.*

“ Of the ludgeing in Edinburgh.”

It need scarcely be pointed out that the words, "Remember you of the Earl of Bothwell," are misplaced in a letter supposed to be addressed to the Earl of Bothwell himself. Even the conjecture that these summaries were memoranda of the subjects on which the Queen intended to write fails to meet the difficulty. It is scarcely credible that the writer of a passionate love-letter should require a written memorandum of the name of the person to whom she was writing. And no passage is to be found in the letter corresponding with either of these two headings, "Of his mother," and "Of the Earl of Bothwell."

The inference is obvious. The letter which was made the ground-work of the forgery was addressed, in its integrity, to some person other than Bothwell;¹ portions of the letter were taken away, and their place supplied with forged pas-

¹ The dissensions between Mary and Darnley had long ceased to be private. They had been the subject of discussion with her own nobles and with the French ambassador, and an official communication concerning them had been made to the Queen-Mother of France. It is therefore probable that Mary communicated to some adviser whom she believed trustworthy what had passed between Darnley and herself, and it is noteworthy that in the narrative contained in this letter, Darnley appears in a much more favourable light than in any other place in history.

sages. In the words of Mary's Commissioners, "The same is devised by themselves in some principal and substantial clauses."

Again, in this letter the noted inquiry occurs:—"Advise too with yourself if ye can find out any more secret invention by medicine, for he should take medicine and the bath at Craigmillar." But there could have been no question in Mary's mind, nor in that of any one else, as to the possibility of finding out a more "secret invention" than one which should "challenge the attention of the whole civilized world." Mary's education in France, and her connection with Catherine de Medicis have often been used against her, as affording grounds for the inference that she was an adept in dissimulation: surely "the profound dissimulation of that political school of which Catherine de Medicis was the chief instructor, and her daughter-in-law an apt scholar,"¹ might have done Mary Stuart some better service here. Her own physician was in attendance on Darnley. Darnley had "desired that she should give him meat with her own hands," and,

¹ Burton, iv. 205, 206.

as Mr. Froude observes, "if Darnley had been stabbed in a scuffle, or helped to death by a dose of arsenic in his bed, the fair fame of the Queen of Scots would have suffered little, and the tongues that dared to mutter would have been easily silenced." Why then should she adopt a mode of murder so recklessly conspicuous ?

Mr. Froude suggests as a reason, "some personal passion, which was not contented with the death of its victim, and required a fuller satisfaction in the picturesqueness of dramatic revenge."¹ But such a passion (if it could, in the absence of positive proof, be conceived to have existed in any one) is obviously at variance with a desire for concealment.

The manner in which the murder was brought about has been accounted for more in accordance with the facts as they actually occurred. It was committed by those who had no desire for concealment ; whose purpose would not have been attained unless public attention had been attracted to the crime, and the guilt cast upon the Queen : for they would have profited little by Darnley's

¹ Froude, viii. 340.

death unless it had been followed by Mary's defamation and dethronement. As Lesley observes, "The worthy saying of the wise Cassius is here to be remembered, '*Cui bono?*'"

Another point connected with this first letter must be specially noted. It was described by the English Commissioners as "ane horrible and long letter, containing foul matter, and abominable to be either thought of or to be written by a Prince." The coarse and offensive passages here alluded to differ radically in tone from Mary's authenticated correspondence, of which nearly seven volumes have been collected by Prince Labanoff. If Mary had been capable of penning those passages, some trace of coarseness of mind must have been betrayed in a collection so voluminous. If Mary's conduct had been such as is indicated by these passages, it could not have failed to be known to the ladies of her household. Not one of these ladies ever made a statement to her disadvantage. Women are not generally unduly lenient towards women, nor reticent concerning their offences against decorum, least of all when the offender is above them in rank. If

these passages had borne true witness against Mary Stuart, the confederate lords would not have been dependent upon the Letters alone for proofs of her guilt; noble Scottish ladies would not have been eager to share her imprisonment, and to place their daughters in attendance on her; she would not have been addressed, in after years, in terms of respectful affection by the Countess of Lennox.

Two documents are frequently cited as corroborative of the authenticity of the Casket Letters: the Confession of Nicholas Hubert (commonly called French Paris), and the Deposition of Thomas Crawford.

Hubert, or Paris, was a servant of the Earl of Bothwell, and the alleged bearer of the Letters. After Darnley's murder Paris fled, and was for a time supposed to be drowned. The time at which he was taken prisoner is not known with certainty, but it appears that he was brought to trial some time after Moray's return to Scotland at the close of the conferences, and was hanged at St. Andrews, 11th August 1569. In the following October, a confession, said to have been made by

him on the 10th August, was sent to London by Moray as additional proof of his accusations of the Queen.¹

The reasons for rejecting this confession are:—

1. The clandestine manner in which it was taken. Paris was not examined before the English Council, nor before the Privy Council of Scotland, nor before the High Court of Justiciary in Edinburgh, but was confined by Moray in his citadel of St. Andrews, and condemned there by Moray himself without any public trial. The confession is attested only by the clerk to Moray's Privy Council, and no mention is made of any persons who were present when the confession was taken.²

2. The testimony of contemporaries that Paris at the time of his execution "took it upon his death, as he should answer before God, that he never carried any such letters, nor that the Queen was participant nor of counsel in the cause."³

And it may be added that the more candid of

¹ Keith, ii. 513-517; Goodall, ii. 88.

² See Keith, ii. 514; Tytler's Enquiry, i. 288-295.

³ See Defence of Q. Mary's Honour, pp. 11 and 45; Camden's Annals, 406, translation, printed in a Complete History of England.

Mary's enemies admit that implicit reliance is not to be placed on this confession. "It must be admitted," writes Robertson, "that his depositions contain some improbable circumstances. He seems to have been a foolish, talkative fellow; the fear of death, the violence of torture, and the desire of pleasing those in whose power he was, tempted him perhaps to feign some circumstances and to exaggerate others."

Crawford's deposition is however considered reliable by some authors who attach little weight to Hubert's confession. Crawford was a servant of the Earl of Lennox, and was in attendance on Darnley during his illness in Glasgow. According to his own statement, he made notes for the information of Lennox of all that passed between Mary and Darnley; Lennox, who was under the Queen's displeasure, being afraid, it would appear, "to trust himself away from his own fortress and his own people,"¹ and yet anxious to know all that went on. "The said Crawford said, that as soon as the Queen of Scots had spoken with the King his master, in Glasgow, from time to time

¹ Burton, iv. 440.

he, the said Crawford, was secretly informed by the King of all things which had passed betwixt the said Queen and the King, to the intent he should report the same to the Earl of Lennox his master, because the said Earl durst not then, for displeasure of the Queen, come abroad; and that he did, immediately at the same time, write the same word by word, as near as he could possibly carry the same away.”¹

The correspondence between Crawford’s deposition and the statements made in the Casket Letters has been cited as a proof of the authenticity of the Letters; and it must be granted that, so far as regards the conversations reported, the documents agree together with marvellous exactness—an exactness the more marvellous when it is considered that Crawford was not present at one of the conversations, but only received a report of it from Darnley. But there is one important discrepancy. According to Crawford’s deposition, Lennox was absent from Glasgow during Mary’s visit to Darnley. But according to the Casket Letters, Lennox was apparently under the same

¹ 9th Dec. 1568, Goodall, ii. 246.

roof with Mary and Darnley. Thus Mary is made to say, "This day his father bled at the nose and mouth; guess what presage that is. I have not yet seen him; he keeps his chamber."¹ And further on, "His father keeps his chamber; I have not seen him."²

The value of Crawford's deposition as evidence is yet further diminished by the existence of letters from Lennox, written in June 1568, one to the Earl of Moray, and the other "to his trusty servants, *Thomas Crawford*, Robert Cunningham, and John Stuart of Periven," desiring them "by all possible means to search for more matters, not only against her (Mary Stuart), but against all who had come to England with her, and to devise by what means the articles he had sent them might be made out . . . the manner of Darnley's coming to Glasgow, of his falling sick there, the occasion of his sickness—whether it appeared to be poison, and who were his mediciners." He desires information also on "the manner of Hiegate's speaking and discourse at Stirling; the time of the Queen's arrival at Glasgow, the com-

¹ Letter 1., Goodall, ii. 12.

² Goodall, ii. 26.

pany that came with her, and what discourse Thomas Crawford held with her at her coming to the town; how long she remained there with the King; her usage and custom to entertain the King; if she used to send any message to Edinburgh, by whom; and what women were in her company or in her chamber at that time.”¹

But if the Casket Letters are to be trusted, these questions were unnecessary, as Lennox had been under the same roof with Darnley during his illness. If Crawford’s deposition is to be trusted, these questions were unnecessary, as Crawford had already supplied Lennox with information on the points specified.

Crawford’s notes, “made for the information of Lennox,” were professedly written in January 1567. Lennox’s letters “desiring information” were written in June 1568; and Crawford’s deposition, agreeing with the Casket Letters “with overwhelming exactness,” was presented to the Commissioners in December 1568. Lennox’s letters, therefore, not only contradict Crawford’s statement as to the time at which he made the

¹ Hamilton Papers, Nos. 13, 23, ap. *Queens of Scotland*, v. 120, 121.

notes, but are suspiciously like suggestions of the precise evidence desired.

That forgery and suppression were freely used by the party opposed to Mary is apparent from several circumstances. Allusion has already been made to the forged warrant under which Lord Gordon, son of the Earl of Huntly, all but suffered execution,¹ and other instances may be named. The paper shown to the Commissioners at York,² called "The Queen's consent to the Bond"—the warrant, professedly, on which the nobles signed the Bond entreating the Queen to marry Bothwell—has long been given up as a forgery. Buchanan himself gave it up, expressly affirming in his History that the whole nobility at Bothwell's entertainment signed the Bond *upon his own solicitation only*, because it might be useful to him, and the means of prevailing with the Queen to listen to his proposal. They signed it, he states, *without seeing any previous writing or consent from the Queen*, or without any force being used.³

A letter from the Commissioners at York ex-

¹ See Adam Blackwood, 80-82. ² Goodall, ii, 140.

³ Buchanan, lib. xviii. p. 335, ap. Tytler, ii. 114, 115.

pressly states that the nobles had refused to sign the Bond till they had been shown the Warrant from the Queen, "which was now showed unto us."¹ Buchanan was one of those who showed the Warrant to the Commissioners. The fact of his thus acknowledging it to be a forgery is therefore conclusive. Moray and his party did not venture to produce it at Westminster.

Forgery was again had recourse to, successfully, in 1569, when Lethington was in danger of death at the hands of Moray. A warrant was forged, in Moray's name, by means of which Kirkcaldy of Grange obtained Lethington's freedom, and conveyed him safely to his own castle.²

That suppression was used is proved by a letter from the Earl of Morton and others to the Regent Lennox. Referring to a communication received from Denmark, where Bothwell was imprisoned, they say, "For that we had no will the contents of the same should be known, fearing that some words and matters mentioned in the same, being dispersed here as news, should rather have hin-

¹ Letter to Queen Elizabeth from her Commissioners at York, 11th Oct. 1568 : Goodall, ii. 139-143.

² Buchanan, xix. 383, ap. Whitaker, iii. 33.

dered than forwarded our cause; and therefore, being desired at Court to show the letter, we gave to understand we had sent the principal away; and delivered a copy, omitting such things as we thought not meet to be shown, as your Grace may perceive by the like copy, which also we have sent you herewith, which ye may communicate to such as your Grace thinks not expedient to communicate the whole contents of the principal letter unto.”¹ The existence of such a letter should destroy reliance on any documents produced by the same party.

It has been asserted that Mary’s contemporaries were agreed in a conviction of her guilt,—that even those who attempted her vindication *went no further* than to maintain that “the evidence against her was not conclusive, and that she should have had the benefit of the doubt;” that disagreeable revelations are to be found in reading what is said by the early class of vindicators; that a belief in her innocence “is the growth of the spurious chivalry of modern times, which assumes that she could not be guilty, because she

¹ Letter from James Earl of Morton, Robert Abbot of Dunfermline, and Mr. James Makgill, Clerk-Register, London, 24th March 1570, printed in Goodall, ii. 382.

was beautiful, and a Queen." But these statements are not in accordance with the existing works of contemporary writers, in which the declarations of Mary Stuart's entire innocence are explicit and reiterated.

Extracts have already been given from Lesley's "Defence of Q. Mary's Honour," printed in London so early as 1569-70,¹ and many more might be added, such as :—

"We can tell you that John Haye of Galoway, that Powry, that Dowgleish, and last of all that Paris, all being put to death for this crime, took God to record at the time of their death, that this murder was by your counsel, invention, and drift committed. Who also declared that they never knew the Queen to be participant or ware thereof. Though ye have wonderfully turmoiled and tossed . . . and offered many of them their pardons, so they would depose anything against the Queen, God hath so wrought that, as for no torments nor fair promises, they could be brought falsely to defame their mistress, so without any torments at all, they have voluntarily purged her,

¹ Suppressed by Cecil; republished at Liège, in 1571, under an assumed name. Republished at Rheims in 1580, this time with Lesley's own name prefixed.

and so laid the burden upon your necks that ye shall never be able to shake it off.¹ . . . We can tell you that this good Lady is unjustly accused and wrongfully oppressed,"² etc.

Statements similar to these are made in a work attributed to Belleforest, published at Lyons in 1572. The title of this work indicates with sufficient distinctness that the writer goes further than "the demand of a verdict of 'Not Proven :'" — "*L'innocence de la très illustre, très chaste, et debonnaire Princesse, Madame Marie Royne d'Escosse, où sont amplement réfutées les calomnies d'un livre secrètement divulgué en France, l'an 1572, touchant la mort du Seigneur d'Arley,*

¹ Keith makes the following comment on Lesley's statements :—"Now as this book was published by that Prelate about a dozen of years before Mr. George Buchanan's death, and probably before that ever he began to write his History of Scotland, at least before he had compiled the latter part thereof relating to this period, might it not have been expected that that accurate writer should have taken some notice of this bold and plain affirmation (of the declarations of the innocence of the Queen made on the scaffold), and have obtained proper credentials from persons then alive, and present at the execution, for silencing the Bishop of Ross, and for preventing the world to lay any stress on what he so publicly avers? But of this no word drops from him at all; nay, which is not a little observable, he does not in the least fortify his own narration by the testimony of this Frenchman, though he had been at pains in his wicked 'Detection' to rake together all such reports as he thought would any way contribute to stain the Queen."—Keith, ii. 515, 516.

² Liège edit. pp. 45, 50; see also pp. 2, 11, etc.

son espoux, et autres crimes dont elle est faulcement accusée."

Another contemporary, Adam Blackwood,—a Scotsman, who was obliged to take refuge in France on account of his devotion to Mary Stuart,—published a work in her defence in 1587. So far was he from entertaining any doubts as to her innocence, that his work was entitled *Martyre de la Royne d'Escoce*. He confirms Lesley's statement as to the efforts made to obtain depositions unfavourable to Mary from victims on the rack, and adds :—"But notwithstanding any torment they could use to bring forth so much as one word against her Majesty to her prejudice, they would never accuse her. . . . They often protested and swore her innocency, saying that her Majesty was altogether ignorant of the enterprise, and that Murray, Morton, and their partners and complices, were the authors thereof."¹

Camden also was a contemporary of Mary Stuart's, and enjoyed the advantage of access to Cecil's secret correspondence. In his *Annals of Queen Elizabeth* he is clear and explicit in his testimony as to Mary's innocence, and the machi-

¹ Pp. 51, 52, Maitland Club.

nations of Moray and his party. After narrating in detail the means by which Mary's dethronement was achieved, he says:—"Shortly after, Murray caused to be executed John Hepburn, Paris a Frenchman, Daglish and some other of Bothwell's servants, who were present at the King's murder. But they (quite contrary to his expectation) protested before God and His angels, that they were informed by Bothwell that Murray and Morton were the chief agents in the King's death. The Queen they acquitted from any share in the fact; as did also Bothwell himself when he was prisoner in Denmark; attesting several times, in his Health and on his Death-bed, and that with the most solemn asseverations, that the Queen was in no degree privy to the Regicide. And about fourteen years after, when Morton was to suffer, he confessed that Bothwell had tampered with him to consent to the Murder, which when he absolutely refused, unless he had the Queen's hand for his Warrant, Bothwell made answer, That this could not be, for she was not to have the least intimation of such a design."¹

¹ Camden's Annals, as published in a Complete History of England, p. 406.

These statements are confirmed by the paper drawn up at the great convention of Nobles and Prelates at Dumbarton in September 1568. In this document it is stated "that her adversaries, usurpers of her authority, offered remission to sundry that are convict for that crime by them, gif they would say that her Grace was guilty thereof. . . . It may be inferred that they (the confederate lords) were the doers thereof only, as was deponed by them who suffered death therefor; who declared at all times the Queen our Sovereign to be innocent thereof."¹

Another of Mary Stuart's contemporaries is yet to be cited as a witness in her favour,—the Countess of Lennox.

The Countess of Lennox was at one time much incensed against Mary, and expressed herself concerning her with great bitterness. She is

¹ Printed in Goodall, ii. 354-366. This paper was the work of the Earls of Huntley, Argyle, Crawford, Eglinton, Cassilis, Rothes, and Errol; the Lords Ogilvy, Fleming, Sommerville, Boyd, Levingston, Sanquhar, Yester, Herreis, Oliphant, Drummond, Salton, and Maxwell; the Bishops of St. Andrews, Dunkeld, Aberdeen, Ross, Galloway, Brechin, Argyle and the Isles; the Abbots of Jedburgh, Kinloss, St. Colme, Glenluce, Fern, New Abbay, Holywood, Lindores. A ballad, published shortly after this convention (in December 1568), is also characteristic of contemporary belief. See "The Double Dealing of the Rebels in Scotland," State-Paper ms., printed in Chalmers, ii. 443-449.

even said to have told the Spanish ambassador that "the Queen of Scots admitted to her brother that she knew the conspiracy for her husband's murder." She wrote to Cecil in 1570, protesting against Mary's being set at liberty, and expressing her conviction of her guilt.¹ But a few years after she had apparently seen cause to alter her views. In November 1575, she wrote the following friendly letter to Mary :—

" MARGARET COUNTESS OF LENNOX TO MARY
QUEEN OF SCOTS.

" It may please your Majesty, I have received your token and mind, both by your letter and other ways, much to my comfort, specially perceiving what zealous natural care your Majesty hath of our sweet and peerless jewel in Scotland. I have been no less fearful and careful as your Majesty of him, that the wicked Governor (the Regent Morton) should not have power to do ill to his person, whom God preserve from his enemies! Nothing I neglected; but presently upon the receipt of your Majesty's, the Court being far off, I sent one trusty, who hath done so much as if I myself

¹ Froude, x. 96.

had been there, both to understand the past, and for prevention of evil to come ; he hath dealt with such as both may and will have regard to our jewel's preservation, and will use a bridle to the wicked when need require. I beseech your Majesty fear not, but trust in God that all shall be well ; the treachery of your traitors is known better than before. I shall always play my part to your Majesty's content, willing God, so as may tend to both our comforts. And now must I yield your Majesty my most humble thanks for your good remembrances and bounty to our little daughter here (Arabella Stuart) who some day may serve your Highness, Almighty God grant, and to your Majesty long and happy life.

“HACKNEY, this vith of November.

“Your Majesty's most humble and loving

Mother and Aunt, M. L.”¹

¹ State-Paper Office Correspondence of Mary Queen of Scots, printed in “Queens of Scotland,” v., with facsimile of original. Interesting information concerning this change in Lady Lennox's views is afforded in a letter from Mary Stuart to her ambassador in France, 2d May 1578 :—“The Countess of Lenox my mother-in-law died about a month ago. . . . This good lady was, thanks to God, in very good correspondence with me these five or six years bygone, and has confessed to me, by several letters under her hand, which I carefully preserve, the injury she did me by the unjust pursuits which she allowed to go out against me in her name, through bad information ; but principally, she said, through the

It can scarcely be maintained that the Countess of Lennox would have expressed herself thus kindly towards Mary Stuart if she still believed her to have written the "horrible and long letter containing her loathsomeness and abhorring of her husband that was murdered;" that she would have hoped that "our little daughter here some day may serve your Highness, Almighty God grant," if she believed Mary capable of writing "foul matter, and abominable to be either thought of or to be written by a Prince;" that she would have assured Mary that "the treachery of your traitors is known better than before," if she believed her to have "admitted to her brother that she knew the conspiracy for her husband's murder." The whole tenor of the letter renders it impossible to doubt her belief in Mary's innocence.

It has lately become popular to charge Mary Stuart's defenders with sentimentalism—with sparing themselves the trouble of reflection by accepting the ready-made assurance of their feel-express orders of the Queen of England and the persuasion of her Council, who also took much solicitude that she and I might never come to good understanding together. But how soon she came to know of my innocence, she desisted from any further pursuit against me; nay, went so far as to refuse her consent to anything they should act against me in her name."—Keith, iii. 307. In the original French, Labanoff, v. 31.

ings, and with the spurious chivalry of modern times. But in the Countess of Lennox neither sentimentalism nor want of reflection was likely to take the form of belief in Mary's innocence. With the spurious chivalry of modern times she can scarcely be charged. The defenders of Mary Stuart may be content to be wrong with Darnley's mother.

Thus the Casket Letters are shown to be forgeries by all the possible means of trying them. In the words of an able writer of the last century—"The internal, the external evidence; their variations in substance, their variations in form, their variations in words, and their variations even in language; the history of the rebel conduct, the history of Elizabeth's proceedings at the conferences in England concerning them; their contradictions to facts, their repugnances to common sense, their inconsistencies with chronology, and their violent opposition to themselves and to each other, all show them to be forgeries, with an accumulative weight of testimony."

PART III.

CERTAIN HISTORICAL INCIDENTS.

THE Casket Papers were the only proofs of Mary Stuart's guilt produced by her enemies ; but several incidents connected more or less directly with Darnley's murder have been considered corroborative of the charges preferred against her. The chief of these are—

1. The conference at Craigmillar.
2. Her conveying Darnley to the house in which he was murdered.
3. Her going to Seton very shortly after the murder.
4. The manner in which Bothwell's trial was conducted.
5. Her marriage with Bothwell.

It will be desirable to consider each of these in detail.

I. The conference at Craigmillar.

This conference took place in December 1566.

The miserable estrangement between Mary and Darnley had then become generally known, and it was deemed impossible that a good understanding between them should be restored.¹ It was assumed that Mary would gladly be divorced from her husband, and during her stay at Craigmillar the Earls of Moray, Bothwell, Huntley, and Argyle, with Maitland of Lethington, went to the Queen, and proposed to bring about a divorce—"if her Majesty would be pleased to pardon the Earl of Morton and the Lords Ruthven and Lindsay, with their company."

The particulars of this conference are given by the Earls of Huntley and Argyle. Lethington was the spokesman of the party, and "remembered her Majesty of a good number of grievous and intolerable offences that the King, as he said, ingrate of the honour received of her Highness, had done to her Grace, and continuing every day from evil to worse." He represented that "it was necessary that her Majesty take heed to make resolution therein, as well for her own easement as the weal of the realm; for he troubled her

¹ Letter from Du Croc, Labanoff, i. 373-9.

Grace and us all, and remaining with her Majesty would not cease till he did her some other evil turn, when that her Highness would be much *inspesched* to put remedy thereto. After these persuasions and divers others which the said Lethington used, by [besides] these that every one of us showed particularly to her Majesty to bring her to the said purpose, her Grace answered, that under two conditions she might understand the same : the one that the divorcement were made lawfully ; the other, that it was not prejudice to her son, otherwise her Highness would rather endure all torments, and abide the perils that might chance her in her Grace's lifetime.

"The Earl of Bothwell answered, 'That he doubted not but the divorcement might be made but [without] prejudice in any ways of my Lord Prince ; alleging the example of himself, that he ceased not to succeed to his father's heritage without any difficulty, albeit there was divorce between him and his mother. It was also proponit, that after their divorcement the King should *be him allane* (reside by himself) in one part of the country and the Queen's Majesty in another, or

else he should retire him in another realm ;' and hereon her Majesty said, ' That peradventure he would change opinion, and that it were better that she herself for a time passed into France, abiding till he acknowledged himself.'

" Then Lethington taking the speech said, ' Madame, Fancie ye not we are here of the principal of your Grace's nobility and council, that shall find the means that your Majesty shall be quit of him without prejudice of your son. And albeit that my Lord of Murray here present be little less scrupulous for a Protestant than your Grace is for a Papist, I am assured he will look through his fingers thereto, and will behold our doings, saying nothing to the same.'

" The Queen's Majesty answered, ' I will that ye do nothing wherethrough ony spot may be laid to my honour or conscience, and therefore I pray you rather let the matter be in the state as it is, abiding till God in his goodness put remedy thereto ; that ye, believing to do me service, may possibly turn to my hurt and displeasure.'

" ' Madame (said Lethington), let us guide the matter among us, and your Grace shall

see nothing but good, *and approved by Parliament.*'"¹

Mr. Froude assumes that it was Darnley's murder which was now proposed to Mary by "the principal of her nobility and council;" he inquires how she received "the dark suggestion," and, whilst crediting her with the refusal of the proposal, he remarks that "it was serious and significant that such a conversation should have passed in her presence."²

But Mr. Froude omits all notice of Lethington's assurance that the matter should be guided so as to be "approved by Parliament." It is obvious that Darnley's murder was not a proceeding likely to be approved by Parliament, whilst Parliament might reasonably be expected to approve of his being constitutionally proceeded against on various grounds; *e.g.*, for having dismissed the Three Estates of Scotland in Parliament assembled, whilst holding the Queen a prisoner.

That any "dark suggestion" was conveyed in

¹ Protestation of the Earls of Huntley and Argyle, Cot. Lib. Cal. c. i. fol. 282; printed in Keith, iii. 290-294; Goodall, ii. 317-321.

² Froude, viii. 347.

the proposal thus made to Mary is a statement distinctly contradicted by the declaration of Moray, made upon oath, that nothing unlawful or dishonourable was spoken of on this occasion,—“ In case any man will say and affirm that ever I was present when any purposes was halden at Craigmillar in my audience, tending to any unlawful or dishonourable end, I avow that they speak wickedly and untruly, which I will maintain against them as becomes an honest man to the end of my life.”¹

Hence of two things one:—Either there was no dark suggestion conveyed in the proposal made to Mary at the conference at Craigmillar—in which case the inferences against her founded on this conference fall to the ground;—or there was a dark suggestion made, in which case Moray was himself “ of the foreknowledge, counsel, and device of the horrible murder of the King,” and perjured himself in making the above declaration.

Mr. Froude indeed avoids this alternative, by suggesting that “ such subjects are not usually

¹ Keith, iii. 294, 295; Goodall, ii. 321.

discussed in too loud a tone, and he may not have heard distinctly.¹ But Moray was not merely one of the principal persons present at the conference; he was, in concert with Lethington, actually the originator of the proposals then made to the Queen.² He cannot therefore reasonably be supposed ignorant of the end to which they tended.

II. The Queen conveyed Darnley to the house in which he was murdered.

This is said to have been done in obedience to instructions from Bothwell and Lethington,³ and Darnley has been represented as anxious to go to Craigmillar, and prevented by the Queen,—“As yet he knew nothing of the change of his destination, and supposed that he was going on to Craigmillar. Bothwell, however, met the cavalcade outside the gates, and took charge of it. No attention was paid either to the exclamations of the attendants or the remonstrances of Darnley himself; he was informed that the Kirk a Field

¹ Fronde, viii. 346.

² Keith, ii. 291, 292; Goodall, ii. 317, 318.

³ Confession of Paris: Pitcairn, i. part ii. 506-510.

house was most convenient for him, and to Kirk a Field he was conducted.”¹

But the weight of this evidence against Mary is diminished by the testimony of Thomas Nelson, Darnley’s servant. He says,—“It was devised in Glasgow that the King should have lain first at Craigmillar; *but because he had no will thereof*, the purpose was altered, and conclusion taken that he should lie beside the Kirk of Field.”²

III. The Queen’s visit to Seton shortly after the murder.

Mary had, after Darnley’s murder, retired to Edinburgh Castle, where, according to custom, she shut herself up in a close apartment, hung with black, and lighted only by tapers. The confinement speedily affected her health, and her physicians represented her state to the Privy Council, who urged her “to repair to some good, open, and wholesome air.” In compliance with their advice, the Queen repaired to Seton, about

¹ Froude, viii. 363.

² Pitcairn, i. part ii. 501; Goodall, ii. 244.

eleven miles east of Edinburgh.¹ Buchanan, who has been followed by some modern writers, is severe in his strictures on this visit, and affirms that "she went daily into the fields among ruffians; and not only resorted to her former custom, but also affected to exercise manly pastimes, and that among men, and openly." Moray's Journal also states that the Queen and Bothwell passed their time merrily together at Seton.

But these statements are at variance with other accounts of Mary's state at this time. "She hath been," writes Drury, "for the most part either melancholy or sickly ever since, especially this week; upon Tuesday and Wednesday often swooned. . . . The Queen breaketh very much. Upon Sunday last divers were witness, for there was mass of Requiem and Dirige for the King's soul. . . . The Queen went on Friday night, with two gentlewomen with her, into the chapel about eleven, and tarried there till near unto three of the clock."²

Another letter of the period states :—"The fact

¹ See Keith, ii. 522, 523.

² Drury to Cecil, March 29, 1566-7; State-Paper Office ms., unedited.

being communicated to the poor Queen, one can scarcely think what distress and agony it has thrown her into, the more so because it has happened at a time when Her Majesty and the King were on the best possible terms. The said Lord of Clernault has left her in as much affliction as it was possible to be, and one of the most unhappy Queens in the world.”¹

Moray’s statement is at variance also with the *Diurnal of Occurrents*, which represents Bothwell as remaining at Holyrood: “Upon the sixteenth day of the said month of February our Sovereign lady passed from Holyrood House to Seton, and left the Earls of Huntley and Bothwell in the Palace of Holyrood House until her return.”²

IV. The manner in which Bothwell’s trial was conducted.

Bothwell’s trial was collusive; but the guilt of his acquittal rests, not on the Queen, but on the Queen’s enemies. It was to the Queen’s Ministers, Privy Council, and Judges, that the manage-

¹ Letter intercepted by the English authorities at Berwick; printed in “*Queens of Scotland*,” v. 186.

² *Diurnal of Occurrents*, p. 106.

ment of the trial was committed : to them the details of the government necessarily belonged. The Queen's part in the matter lay in commanding that the trial should take place, and this command she gave, though to give it must have required the exercise of some little courage. Bothwell was the Commander-in-Chief of her military force, her principal Minister of State, and one of the most powerful noblemen in her kingdom. She was called upon to arrest him on the strength of anonymous placards, which (from the demand that the £2000 should be placed in the hands of an "*evenly*" person before further information was afforded) might be reasonably regarded as an attempt to extort money. The limited extent of Mary's power, as compared with that of the great nobles, is shown by several events of her reign, and has been thus accounted for by Mr. Froude :—"The Sovereign, though feudal head of the military force of the kingdom, yet commanded the services of the lieges only through the noblemen, to whom they owed their first obedience ; and while the Earl of Argyle had but to raise his finger and 5000 breechless followers would be

ready at the moment to follow him through life and death, the Sovereign, if the nobles held aloof, commanded but the scanty services of the scattered vassals of the Crown lands.”¹

Hence it is apparent that these great nobles were not likely to act under compulsion, nor to be unduly submissive to Mary’s wishes. It is apparent also that had Argyle and Huntley, Morton and Moray, done their duty in this matter, had they supported the charge of the Earl of Lennox, and withheld their countenance from Bothwell, no amount of favour on the Queen’s part could have prevented his condemnation. But so far from showing any desire to further the ends of justice, the favour shown by these great nobles to Bothwell was such as might well confirm the Queen’s belief in his innocence. He was openly supported by Argyle, who was Justice-General of the Realm, and by Huntley, who was Lord Chancellor, whilst Morton stood beside him at his trial, to give him countenance and to assist him.²

He is specially mentioned by Killigrew as

¹ Froude, ix. 11. See also Burton, iv. 174.

² Keith, ii. 542, note ; Chalmers, i. 212.

having been entertained by Moray, in company with Argyle, Huntley, and Lethington, on the 8th March, twenty days after he had been denounced as Darnley's murderer.¹ No hint appears at this time to have been given to Mary, by any one of these nobles, of their belief in Bothwell's guilt. The Queen's Commissioners at York affirmed that not one of her subjects had informed her of his guilt till after her marriage, and it is remarkable that, throughout the proceedings against her, neither Moray nor any of his party ever professed to have given her any intimation of it.

It has been urged against Mary Stuart that she failed to execute justice on any of the murderers. But this need not surprise any who remember how the ends of justice were defeated in the case of Riccio. That she was anxious to have the law put into execution against his murderers will be readily admitted by her enemies, yet only one of them was brought to justice. In Darnley's case, "the principal of her nobility and council" were interested in con-

¹ Keith, ii. 536; Chalmers, i. 209.

cealing the truth from her. What wonder that they succeeded?

Mary's own statements on the subject deserve notice. In her "Memorial addressed to all Christian Princes," she states that "she, not doubting but that treasonable enterprise had been intended against her own person,¹ gave them express charge to inquire into the matter, in order that she might discover and punish the culprits. In this her Majesty could not but marvel at the little diligence they used, and that they looked on one another as men who wist not what to say or do

¹ Mary's belief that her own life, as well as Darnley's, had been aimed at, has been stigmatized as a pretence. "The Queen," says Mr. Burton, "wrote to Beaton, her ambassador in France, endeavouring to stamp, on the first news of the tragedy, the impression that she had herself made a providential escape". (Burton, iv. 365). But Mr. Burton appears to have overlooked the fact that it was from this very Beaton that Mary had received warning of her danger; that his letter of warning, written on the 27th January, had reached Mary only the day after the murder; and that Mary's letter, alluding to the danger she had escaped, was written in answer to this letter of warning from Beaton. Both letters are to be found in Keith. Beaton's contains the following passage:—"The Ambassador of Spain requests me to urge you to take heed to yourself. I have had some murmuring in likeways by others, that there be some surprise to be transacted in your contrair, but he would never let me know of nae particular, only assured me he had written to his Majesty to know if by that way he can try any farther, and that he was advertised and counselled to cause me haste towards you herewith."—See Keith, i. Adv. to the Reader, cii. ciii.

when they found themselves with the rest of her Council assembled for this purpose.”¹

In her instructions to her Commissioners she says, “I lament mair highly the tragedy of my husband’s death nor any other of my subjects can do. And if they had suffered, and that I had been permitted to use my authority untroubled by my subjects, I had punished the committers thereof as appertained. Likeas I am yet willing to do the same as law and justice will require. And ye shall affirm surely in my name, That I had never knowledge, art nor part thereof; nor nane of my subjects did declare unto me before my taking and imprisonment that they who are now held culpable and principal executors thereof were the principal authors and committers of the same, which if they had done, assuredly I would not have proceeded as I did so far; suppois I did nothing thairintill but by the advice of the nobility of the realm.”²

V. Mary’s marriage with Bothwell.

It has already been shown that this marriage

¹ Printed in Labanoff, vii. 13.

² Goodall, ii. 342.

was planned by the very men who afterwards alleged it as a proof of Mary's guilt.¹ "These, these, I say," exclaims Lesley indignantly, "whereof some are now the vehement and hot fault-finders, and most earnest reprovers and blamers of the said pretended marriage, were then the principal inventors, practisers, persuaders, and compassers of the same . . . how these wily men well knew that if they might once compass and bring this marriage to pass with the Earl (whom they intended then as fast to blase abroad for the murder by him committed, as they did suppress the same before from their good lady and Queen, until they had brought her to the bait :) it would seem very probable, not only to the eyes and judgment of the rude and common people, but also of many sage, grave, wise, and learned men, that she was privy of her husband's death. Whereby they might pretend one execrable act against her that all men would detest and abhor, to colour and cloke their rebellious treacheries. Lucifer himself could not have

¹ See the Bond signed by the Nobility, 19th April 1567; Keith, ii. 562-5; Goodall, i. 364-6; Stuart, i. 244-7; Burton, iv. 375.

fetch'd a finer and a more mischievous and devilish fetch than herein these men have done."¹

It has also been shown, on the authority of an Act of Parliament, that it was by force and fear that Bothwell compelled the Queen to promise to become his wife.² On such marriage, then, no presumptions against her can justly be founded.

In the words of Bishop Lesley, "And seeing the adversaries throughout all their cause wander by guesses and uncertain presumptions, let us also, as I may say, abuse a little part of our defence. What say I, abuse? nay, rather use them accordingly, for the more ample and better trial and justification of our cause. We ask then why the better and the stronger presumptions should not avoid, frustrate, and set back the weaker and worse?" Thus, it may be observed that if Bothwell, after Darnley's murder, could have obtained the Queen's consent to their union, he would not have simulated a crime by which he incurred the penalties of high treason. He had been acquitted of Darnley's murder: his acquittal had been rati-

¹ Defence of Q. Mary's Honour, p. 38, Liège ed. 1571.

² See Acta Parl. Scot. fol. iii. 8; also, Records of Privy Council, Edinburgh, 21st July 1567.

fied by Act of Parliament: he had gained the written consent of the nobility to his marriage. The one thing that was wanting—the one thing that rendered the abduction of the Queen a necessary preliminary to his marriage with her—was, her own consent to their union.

Thus the alleged proofs of Mary Stuart's guilt have, in succession, been shown to be nugatory. And further, "Though the whole power of the State was in the possession of Mary's enemies—though immediately after the murder of Darnley, they became masters of several persons actively engaged in the perpetration of that crime, yet not a single fact which has the nature of *direct* evidence has been brought against her."¹

It is impossible to quit the subject of the Casket Letters without some reference to the conduct of the Earl of Moray.

It is generally admitted that he was aware that Darnley's murder was contemplated. "It is unlikely," observes Mr. Froude, "that he should have been entirely ignorant of a conspiracy to

¹ Blackwood's Magazine, ix. 195.

which the whole Court in some degree were parties. His departure from Edinburgh on the morning of the murder suggests that he was aware that some dark deed was intended which he could not prevent."

That Moray had more than a vague knowledge concerning the "dark deed" intended, will be apparent to those who have noted the fact that the day before Darnley's murder was a Sunday (he was murdered at two o'clock on Monday morning), and that Moray, a follower of John Knox, was in such desperate haste to quit Edinburgh that he travelled on that day.

After the murder he continued, as we have seen, on friendly terms with Bothwell; and Bothwell's acquittal was accomplished by men who were associates and confederates of Moray. He lost no time in securing the ratification of his titles to his estates—those estates which Darnley had pronounced too large for a subject. He was placed by the confederates at their head in the moment of final success. He knew that Sir James Balfour was one of the principal accomplices in Darnley's murder. Far from showing any desire to treat his participation in it as a crime,

he entered into a treaty with him for the delivery of the Castle of Edinburgh, the articles of which were :—*Ample remission for the murder*; the sum of five thousand pounds; the Priory of Pittenweem; and an annuity for his son.¹ The bond which connected Moray's friends with the murder was committed to the flames at a meeting held by the Lords before the opening of Parliament.² Morton and Lethington, who, like Balfour, were accomplices in the murder, continued members of Moray's faction, and were employed by him in the confidential affairs of the Government. They afterwards accompanied him to England, and were his assistants in the accusation of the Queen.

Moray's apologists have defended the course pursued by him at this juncture. Mr. Froude pronounces the destruction of the bond "eminently natural," and affirms that "to punish every one tainted with complicity in the murder was simply impossible. To attempt it would be to break up the Government, to surrender Scotland to civil war, to foreign invasion, and to a future in which nothing was certain but its misery."³

¹ Keith, ii. 755.

² Letter from Drury to Cecil, Nov. 1567.

³ Froude, ix. 200.

It must be admitted that Moray's conduct was natural; possibly it was also politic. But it can scarcely be denied that to know that a dark deed is about to be committed, and to make no effort to prevent it,¹ to share in the benefits accruing from it, and to confederate with the guilty parties, is to be a partaker in the guilt of that deed.

A nice distinction has indeed been drawn between the shades of guilt of the parties accused. "To the modern student," observes Mr. Froude, "the guilt of all parties who were implicated in Darnley's murder appears very much the same. To those who were bred up in that wild age and life, a stab with a dirk was an ordinary exodus out of life, an ordinary feature of passionate revenge; whilst the conspiracy of a faithless wife, and the assassination of an inconvenient husband, were crimes which had always been infamous."

But the history of the period does not warrant

¹ "If he was sorry for the young King's death, as he made show some time after, why did he not certify the Queen of the conspiracy, seeing he knew it? Why did he not show the King of it, and forewarn him of his danger? The least word of his mouth might have hindered this bloody murder, and have saved the Prince's life, and the honour of his Queen, and the whole kingdom's."—*Martyre de la Roynie d'Escosse*, p. 30, trans. Maitland Club.

the belief that murder, when not committed by a wife, might in those days be fairly considered as a minor offence, which it was reasonable enough to overlook when politic. Making every allowance for the difference between that wild age and ours, it may be safely affirmed that the man who has been tacitly accessory to the committal of a murder, has forfeited his title to be ranked "among the best and greatest men who have ever lived ;" that the man who, after expressing detestation of a murder, and a determination to avenge it, joins hand in hand with the murderers and assists them to conceal their crime, cannot be credited with having "brought his good name untarnished from amid illusion and intrigue." When, in addition to this, he has thrown the burden of the crime upon his own sister, and has employed some of the guilty parties to assist him in preferring the accusation against her, it may be affirmed also that he has forfeited his right to the titles of "an affectionate brother and a Christian nobleman."

The popularity attained by Moray, notwithstanding his crooked dealings, seems to be attributable to two causes,—*first*, That he was a

zealous supporter of the Reformation ; and, *second*, That he had it in his power to suppress all statements against himself and in favour of his sister.

According to the popular notion of consistency, the cast of men's creeds should influence their verdict as to Mary's, or Moray's, guilt or innocence. It is deemed inconsistent in Protestant historians to maintain the innocence of Popish Mary in preference to that of Protestant Moray. The writers who have the hardihood to attempt it cannot hope for popularity. But truth before all. It is a dangerous conception of consistency that would thus convert it into a bed of Procrustes, to which facts must be fitted, regardless of the dislocation or amputation required in the process. It can scarcely be deemed consistent in Protestants to countenance pious frauds, whether on others or on themselves.

Whether "pious" or not, the compilation of the Casket Letters was a fraud, disgraceful in itself and miserable in its consequences.



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